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U. S. Guang a Gao







19th CONGRESS,  
2d Session.

[Rep. No. 98.]

Ho. of Reps.

# REPORT

OF THE

SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES,

TO WHICH WERE REFERRED

## THE MESSAGES OF THE PRESIDENT U. S.

*Of the 5th and 8th February, and 2d March, 1827,*

WITH

ACCOMPANYING DOCUMENTS:

AND

## A REPORT AND RESOLUTIONS

OF THE

LEGISLATURE OF GEORGIA.

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MARCH 3, 1827.

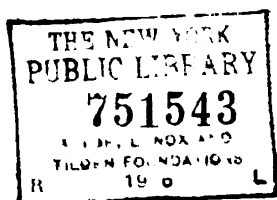
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1827.



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GEORGIA CONTROVERSY.

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MARCH 3, 1827.

Read, and laid upon the table.

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Mr. EVERETT, from the Select Committee appointed on the subject, presented the following

REPORT :

*The Select Committee, to which were referred a message of the President of the United States, of the 5th February, with accompanying documents, and a message of the 8th February, with accompanying documents; also, a report and resolutions of the Legislature of Georgia, with accompanying documents; also, a joint resolution to indemnify the Creek Indians for the land lying between the Chatahoochie river and the dividing line between Georgia and Alabama; also, a message of the President, with accompanying documents, of 2d March, have had those subjects under consideration, and beg leave to report, as follows:*

The civilized nations of Europe, who, at different periods, discovered and settled the various portions of the American Continent, founded, principally on the right of discovery, a claim to the sovereignty over the regions so discovered. This claim of sovereignty does not appear, at least in the case of the English Government, to have extended, in itself, beyond an exclusion of the claims of other nations. The Committee are not aware that the English Government, or its representatives, the Colonial Governments, ever assumed, in virtue of this claim of sovereignty, to exercise the power of internal legislation over the persons who composed the various Indian tribes, within the regions to which the claim of sovereignty extended. These tribes were, on the contrary, considered and treated as separate, and, to a certain degree, independent nations. A friendly intercourse with them was kept up by means of conferences and councils; boundaries, the right to establish and maintain military posts, and occasionally the right of passage, were matter of stipulation, by formal conventions, entered into between the Crown or Colonies on the one hand, and the Chiefs and Warriors of the tribes on the other. When the provisions of these treaties were broken by the Indian tribes, or when, in any other way, a state of hostility arose, wars ensued, as between separate civilized countries, and these wars were concluded by treaty. No doubt, in the most early periods of our history, and in reference to the remnants of tribes, which had ceased to have a separate existence, transactions may have occurred, which imply a different principle of action on the part of the British or Colonial Governments; but it is believed that no attempt was ever made by those Governments, or any

of them, to incorporate the Indian tribes into the body politic, or to carry the right of sovereignty farther, than to exclude the sovereignty of other free States, and to regulate, at discretion, the intercourse with the tribes thus subjected.

In like manner, the European Governments claimed, in virtue of discovery, a right in the soil occupied by the Indian tribes. It is not necessary, nor perhaps possible, to define the precise extent to which this claim was carried, in all instances. It is well known, however, that it was a claim of a right of pre-emption residing in the Government. By various public and legislative acts, individuals were disqualified from acquiring a title to Indian lands, by direct purchase of the Indians; and the Government recognised a right of occupancy in the Indians, which it claimed to itself the exclusive prerogative of extinguishing. This well known fact has received the sanction of judicial decision, (8th Wheaton,) in the case of *Johnson & Graham's lessees, vs. McIntosh*. Such was the state of things before the Revolution.

In the event of the War of Independence, the rights of the British Government devolved upon the United States. But a grave question arose, whether, in reference to the Indian tribes within the limits of any State, the right of exclusive sovereignty, and exclusive pre-emption, formerly vested in the Crown, passed, in virtue of the Declaration of Independence, to the Confederation of States, or to the individual States, respectively, within the limits of which each tribe was situated. On the one hand it was contended, that the right to the unoccupied lands, and, what was considered the same thing, the land occupied by the Indians, having originally resided in that Government, which was common to all the Colonies, and having been conquered from that Government, at the joint expense and efforts of all the Colonies, passed to the Confederation; on the other hand, it was urged, that each State, becoming independent, succeeded, within its own limits, to all the rights formerly vested in the Crown.

The controversies growing out of this difference of opinion were of the most serious character. They were one chief cause which retarded the adoption of the articles of Confederation; and, under the Confederation, they formed the subject of some of the most embarrassing questions, which were presented to the consideration of the Continental Congress.

The difficulties thus arising were of too great magnitude, to be settled by any positive decision in favor of either party. They were practically obviated by successive acts of cession, on the part of the States laying claim to extensive tracts of unoccupied Western lands. The conditions on which these cessions were made by the different States were not uniform; nor did Congress, in accepting these cessions, admit that, without them, the confederacy would have possessed no title to the unoccupied lands. It was a settlement by compromise, between conflicting parties, whose interests were too important to admit of any other mode of adjustment.

Georgia was the only State, having large claims to unoccupied land on her Western frontier, which did not, either before or shortly after the adoption of the Federal Constitution, make such a cession to

the United States. Resolutions were repeatedly adopted by the old Congress, recommending to her a cession, on the same principles on which the cessions of the other States, and particularly Virginia, had been made. In the year 1788, Georgia offered to Congress a cession of land, commencing on the Chatahoochie river, at her Southern boundary, running up that river 150 miles, thence due West to the Mississippi; a tract comprehending the lower half of the present States of Alabama and Mississippi. Several conditions were attached to this cession, among others, that of a guaranty to Georgia of all the remainder of the unoccupied lands which she claimed to the West. These conditions were not satisfactory to Congress, and the cession was not accepted.

In 1795 the Legislature of Georgia proceeded to make extensive sales of the unoccupied lands on her Western frontier. Great embarrassments arose relative to the titles acquired under these sales, and at length, in 1802, a compromise was entered into between Georgia and the United States; in virtue of which, and on conditions mutually acceptable, Georgia ceded to the United States all her right and title Westward of a certain line; and the United States ceded to Georgia all the claim, right, and title of the United States to the jurisdiction and soil of the territory East of the said line; assuming, at the same time, the obligation of extinguishing the Indian title to all the lands East of the said line, as soon as it could be done "peaceably and on reasonable terms." These articles of cession were concluded between the Commissioners of the United States and those of Georgia, on the 24th April, 1802. At this time the Oconee river formed the Eastern boundary of the Creek Indians; and the quantity of land occupied by them, in Georgia, amounted to 19,578,890 acres.

In pursuance of the compact of 1802, and but a few months after its conclusion, a treaty was made between the United States and the Creeks, by which a portion of land was ceded by the Indians; and a still larger portion by another treaty concluded in 1805. By these two treaties, there were ceded to the United States, for the benefit of Georgia, 2,713,890 acres of land.

In the course of the late war, a part of the Creeks were excited to hostilities against the United States. Having been vanquished by the valor and conduct of General Jackson and his troops, a treaty was concluded, by which a considerable cession of lands was made to Georgia, and the integrity of all their remaining lands was guaranteed to the Creeks. By a treaty concluded in 1818, another cession was made of two large tracts of land; and by the treaty of 1821 yet another cession was made, by which the Flint and the Chatahoochie became the Eastern boundary of the Creeks. By the three last mentioned cessions, 11,735,590 acres of land were acquired by Georgia, making, together with those obtained under the two first cessions, an aggregate of 14,748,690 acres; being about two-thirds of all the lands possessed by the Creeks in the State of Georgia. at the date of the Convention of 1802. At the same date, the Cherokees were in possession of 7,152,110 acres of land, within the chartered and conventional limits of the State of Georgia. Two treaties

have been held by the United States with the Cherokees, in pursuance of the compact of 1802, by which 995,310 acres of land have been acquired to Georgia.

In 1822, a sum of \$ 30,000 was appropriated, to defray the expense of holding farther treaties with the Creeks and Cherokees, for the purpose of fulfilling the compact with Georgia; and a treaty having been concluded with the Creeks the preceding year, it was deemed expedient, by the President, to make the next effort with the Cherokees. This was accordingly done by the appointment of Messrs. D. G. Campbell and James Meriwether, as Commissioners on the part of the United States. They repaired to the Cherokee Country in October, 1823, and, after strenuous efforts to prevail on the Cherokees to enter into a treaty of cession, they received a positive refusal. The objections made by the Cherokees appear to have arisen from exaggerated accounts of the hardships endured by their countrymen, who had emigrated beyond the Mississippi, from their advancement in the arts of civilized life, and the consequently increased value which they set upon their lands.

It appears that the Cherokees, in order to fortify themselves in their resolution to withhold all further cessions, sought to engage the co-operation in the same policy of their less civilized neighbors, the Creeks. Overtures, made to the Cherokees by M'Intosh, who was allied to them by marriage, in order to persuade the Cherokees to a cession, were rejected; and communications were had by the Cherokees with the Creeks, by way of counteracting the influence of M'Intosh. In the Spring and Autumn following the unsuccessful attempt to treat with the Cherokees, councils were held in the Creek nation, at which a law was passed, or as stated by the chiefs in council to General Gaines, a law originally passed on the Oakmulgee, was revived, making it capital for any person, in authority among the Creeks, to cede away their lands without the consent of the nation. This law, as enacted or revived, was published at the time, in a newspaper in Alabama.

Such was the state of things, when, on the 1st of December, 1824, the same gentlemen, authorized as United States' Commissioners, and in pursuance of the same object, met the chiefs of the Creek nation at Thle-cath-cha, or Broken Arrow, the seat of the National Council of the Creeks. At this council, the same refusal was given by the Creeks as had been before received from the Cherokees. "So long," says Col. Campbell, in his letter to the Secretary of War, of 8th January, 1825; "as the negotiation was conducted with the council generally, no answer was received, other than a prompt rejection of every proposition that was submitted." M'Intosh acted at first as speaker of the nation, in giving these talks, and joined the other chiefs in council in refusing to cede. The Commissioners represent, however, that they ascertained that the wishes of a large majority of the chiefs within the Georgia limits, with M'Intosh at their head, were in favor of the cession; and they state that a treaty could have been obtained, signed by a full representation of chiefs, from all the towns within the limits of Georgia. Not feeling authorized to conclude a

treaty with a portion of the chiefs, the Commissioners adjourned the council, on the 18th December; and Col. Campbell was appointed to repair to Washington, to endeavor to procure from the President permission "to convene the chiefs, within the limits of Georgia, to negotiate with them, exclusively, if thought proper, or inclusive of a deputation of chiefs from the upper towns, if such a deputation should present themselves and evince a desire to negotiate to a further extent."

On the arrival of Col. Campbell, he addressed a letter to the Secretary of War, asking the sanction of the President for a treaty "to be signed by the chiefs, within the limits of Georgia, provided such treaty be accompanied by the assent of the other chiefs, that the land to be abandoned by the emigrating party, shall be immediately subject to the disposition of the Government."

To this proposal the President, Mr. Monroe, declined acceding, but authorized a renewal of negotiations with the whole nation. (See Document No. 72, p. 38, vol. 4, 2d session, 18th Congress.) A meeting of the chiefs was accordingly summoned for the 7th February, at Indian Springs, within the limits of Georgia. On the 10th of the month, the Commissioners met the chiefs and warriors, and explained their object. On the evening of the same day, the Commissioners held a separate council with a part of the chiefs and warriors of nine of the towns, chiefly within the limits of Georgia. On the morning of the 11th, at the public council, Opothleyoholo, the speaker of the nation, (M'Intosh having been deprived of that office at the Broken Arrow,) replied to the talk of the Commissioners, on behalf of Big Warrior, the head chief of the nation, told them that no treaty could then be made for the cession of lands, and invited the Commissioners to a meeting at Broken Arrow, to be held three months afterwards, at the expense of the nation. He declared this to be the only answer he was authorized to give, and that he should go home the next day. On the following night, the chiefs and warriors of the Cussetas and Soowogaloos left their encampment and went home, by orders of the Big Warrior, communicated by Opothleyoholo, as is stated by the latter. On the 12th a treaty was signed with the M'Intosh party. During its execution Opothleyoholo repeated his protest on the part of the Big Warrior, and, according to the statement of Hambly, the interpreter, warned M'Intosh of his danger in breaking the law.

A large number of signatures is appended to the treaty, but it is alleged, both by the National Council convened the following Autumn, and by the Indian Agent, in a letter written the day after the signature of the treaty, that they are, with the exception of McIntosh, and perhaps two others, Chiefs of low rank, or not Chiefs at all. McIntosh himself is stated to have been but the fifth in rank in the nation. Among the documents accompanying the report will be found a list of Chiefs present who refused to sign, a list of such of the signers as are Chiefs, and a description of all the other signers, made in public council, by the Head Chiefs of the nation. It is apprehended, by the committee, that the inspection of these documents can leave no doubt, that the treaty was signed, not merely by a small and unauthorized party of the Creek nation, but by a minority of the Chiefs

who attended the Council. Had the McIntosh party approached even to a moiety of the nation, the circumstances that they acted in compliance with the earnest wishes of the United States, and of its Commissioners, and that they were sure to receive the countenance of the whole neighboring population of Georgia, would have given them the ascendancy in any conflict with the other portion of the nation: the reverse of which is known to be the case.

On the day following the signature of the treaty, Colonel Crowell, the Agent, addressed a letter to the Secretary of War, as follows:

INDIAN SPRINGS, *February 13, 1825.*

SIR: In compliance with instructions received from Colonel Campbell, while in Washington City, I notified the Chiefs of this nation to meet the United States' Commissioners at this place, on the 7th instant, for the purpose of treating with them for their lands.

Your letter of the 18th, enclosing a copy of the instructions to the Commissioners, did not reach me until the 6th. On the arrival of the Commissioners, I informed them I was ready to obey their orders on all points touching the negotiation, and cheerfully co-operate with them in effecting the object of their mission.

Yesterday a treaty was signed by McIntosh and his party, alone. Being fully convinced that this treaty is in direct opposition to the letter and spirit of the instructions, which I have a copy of, I feel it to be my bounden duty, as the Agent of the Government, to apprise you of it, that you may adopt such measures as you may deem expedient, as to the ratification; for, if ratified, it may produce a horrid state of things among these unfortunate Indians. It is proper to remark, that, with the exception of McIntosh, and perhaps two others, the signatures to this treaty are either Chiefs of low grade, or not Chiefs at all; which you can perceive, by comparing them to those to other treaties, and to the receipts for the annuity; and these signers are from eight towns only, when there are fifty-six in the nation.

I beg you to be assured that I pursued, strictly, your instructions in relation to this negotiation; and although the treaty has not been made in conformity with the instructions of which I have been furnished, yet I think it can be, at no distant day, to the entire satisfaction of the Government. I have made these hasty remarks from conviction of duty, to apprise you of the manner in which it was accomplished; and, if it be thought necessary, I can give you all the particulars pending the negotiation. A deputation of Head Chiefs are desirous of visiting Washington, to have a full and fair understanding relative to ———.

I have the honor to be,

Your obedient servant,

JOHN CROWELL,

*Agent for Indian Affairs.*

The Hon. JOHN C. CALHOUN,  
*Secretary of War.*

Shortly after the writing of this letter, the Agent repaired in person to Washington. After his departure, and on the 23d of the month, a Council of the Creek nation was held at Broken Arrow, in which a protest against the treaty of the Indian Springs was adopted, and the lists above alluded to were prepared. These documents, however, did not reach Washington till after the ratification of the treaty.

The treaty, meantime, was expedited to Washington. The President of the United States, then about to retire in a few days from office, referred the treaty to the Senate, with the letter of the Indian Agent above alluded to. It is out of the power of this committee, and not within their province, to assign the reasons which prevented the Senate from being influenced by the representations made by the Agent, as to the mode in which the treaty had been effected. No testimony, within the knowledge of the committee, had arrived from the Creek Nation, to corroborate his statements; and, on the 3d of March, the last day of the constitutional existence of the then organized Senate, the advice and consent of that body were given to its ratification. It was accordingly ratified by the President, on the seventh of March, under the unsuspecting impression that the treaty was negotiated in good faith, with competent parties. On the next day, the protest of the Chiefs, assembled in Council at Broken Arrow, and the documents accompanying it were received at Washington, by the Agent, and submitted to the Department of War.

General McIntosh, after signing the treaty, does not appear to have remained at home. A few days after the signature of the treaty he repaired, in company with Etome Tustunuggee and other Chiefs, to Milledgeville, and, as appears from an extract from the executive journal, published among the documents submitted to the committee, received an audience from the Governor of Georgia in the executive chamber. They stated, among other things, their apprehensions of hostility from the part of the nation opposed to the treaty, and invoked the protection of the United States, and of Georgia. This protection was promised them on the part of Georgia, by the Governor, who also intimated to them, that "in the business of the treaty the President could not but consider it the act of the nation, provided the whole country was ceded; that what ought to be considered the act of the nation, would still be a question; that the Government might be quite well disposed to consider the act of McIntosh and his friends as such a one."

The day after this audience a letter was written to Governor Troup, by four of the Chiefs of the McIntosh party, and by Chilly McIntosh, in which they allude to the existence of the law above mentioned, passed at Pole Cat Springs, (denying, however, its obligation,) stating that "this law was passed to prevent McIntosh from selling lands;" expressing their fears that attempts would be made to put it into execution; and acceding to a proposal, which appears to have been made by the Governor, that a messenger should be sent by the Governor to those opposed to the treaty, warning them against any act of violence. Accordingly, on the 26th inst. Colonel H. G. Latham, the aid of the Governor of Georgia, was despatched with a talk

to the Chiefs and head-men of Cusseta and Took-au-batchee ; the former being the town of Little Prince, who succeeded Big Warrior as the Head Chief of the whole Creek Nation, and the latter the town of Opothleyoholo, the Speaker of the nation. Colonel Lamar met the Chiefs of these towns in separate councils held in each. Either at this time, and while they had not heard of the ratification of the treaty, and the consent given by McIntosh to survey the lands, they entertained no designs of violence against McIntosh ; or they chose to deceive Colonel Lamar as to their intentions ; or, finally, the talk of the Little Prince was misconceived by Colonel Lamar, which is stated by Hambly, who interpreted between them, to have been the case. He returned perfectly satisfied with their state of feeling on the subject of the treaty, and expressed the opinion, that when the ratification of the treaty was known they would acquiesce.

During the absence of Colonel Lamar, Chilly McIntosh, on his way back to his home, was met by Colonel Miller, and another Chief of the same party, at Flint river, who informed him that they had been driven off by those opposed to the treaty, and that vengeance was threatened against the Chiefs who signed it. This affair was, however, represented to Colonel Lamar, by the Little Prince, as having sprung from some trifling cause, and was supposed by Colonel Lamar to have been designed, by creating alarm, to prevent the ratification of the treaty, but not as threatening opposition should the treaty be ratified.

On the 21st March, Governor Troup issued his proclamation, announcing the ratification of the treaty. On the 29th he addressed a letter to McIntosh, requesting his permission to survey the territory ceded by the treaty. On the 6th of April McIntosh answered the Governor that the Chiefs. (meaning those of his party,) would convene on the 10th, and that he would submit to them the proposal to survey the land. On the 12th of April the consent of McIntosh and his party to the survey, was given in a letter to the Governor, in the following terms : "Some differences existing between the present Agent of the Creek nation and myself, and not having any confidence in his advice, I have determined to act according to the dictates of my best judgment, which results in the determination to agree to the request of your excellency in giving my consent, and, in behalf of the nation who signed the treaty, their consent, that the land lately ceded to the United States, at the Indian Springs, may be run off and surveyed whenever you may or the General Government, think proper to do so. If the General Government of the United States have no objection, and the Agent of the Creek nation, with the party he influences, does not make any objection or opposition to running and surveying the land, myself and the Chiefs and Indians who were in favor of the late treaty, do not object. We give our consent."

In consequence of the conditional nature of this assent to the survey, the following letter was, on the 18th April, written by Governor Troup to General McIntosh :



*"Milledgeville, 18th April, 1825.*

**DEAR GENERAL :** In one of your late letters you say something about the consent of the United States, or if the Agent and the hostiles do not make opposition. Pray, explain to me your meaning. We have nothing to do with the United States, or the Agent, or the hostiles, in this matter : all we want is the consent of the friendly Indians, who made the treaty. If we wanted the consent of the United States, we could ask it.

Your friend,

**G. M. TROUP."**

Without, however, waiting for an answer to this letter, and on the same day on which it was written, Governor Troup issued his proclamation, stating that "the assent of the Indians had been obtained to the running and surveying of the country," and calling the Legislature together to take the proper measures for those objects.

To the above letter McIntosh replied in the following manner :

*Creek Nation, 25th April, 1825.*

**DEAR SIR :** I received your Excellency's request yesterday, dated the 18th instant, and hereby state to you that my only meaning was not to act contrary to stipulations made between our Nation and the United States' Government; and we do hereby absolutely, freely, and fully, give our consent to the State of Georgia, to have the boundary belonging to said State surveyed, at any time the Legislature of Georgia may think proper, which was ceded at the late treaty of the Indian Springs. Signed in behalf of the Nation, and by the consent of the Chiefs of the same.

I have the honor to be,  
With great esteem,  
Your's respectfully,

**WILLIAM MCINTOSH.**

**His Excellency GEO. M. TROUP.**

It is necessary to observe, that McIntosh, in addition to the license assumed, in this letter, of speaking in behalf of the Creek nation, of which his party formed but a small minority, appears to have been guilty of deception, in reference to the views of that party. At a Council with them, held by General Gaines, the General was informed that McIntosh never consulted them on the survey, and that they never gave their consent.

It may here be proper to endeavor to ascertain more particularly the relative strength of the two parties, as far as existing data enable it to be done. By the documents forwarded from the Council, held on the 23d February, it appears that the Chiefs who signed the treaty, were from the following five towns : Coweta, Broken Arrow, New Yauco, Sand Town, Hitchetee. But it is to be observed, that the Chiefs from Broken Arrow could have had no authority to sign, on behalf of that town, for the representative of the Head Chief of

that town, and one of the principal Chiefs of the Nation, was present, and refused to sign. From a document, prepared in Council of the Creek nation, it appears that of the fifty-two individuals, who signed the treaty of the Indian Springs, McIntosh was the only Head Chief, he being the fifth in rank in the Nation ; that five were Chiefs of inferior degree, and these six all of one town, Coweta ; that twenty-six were officers called Law-menders, or Law-makers, but not not Chiefs ; fourteen were broken Chiefs, four were Indians possessing no rank whatever, and two were persons wholly unknown to the Council of the Creek Nation. These individuals were, exclusively, from eight towns, out of fifty-six, of which the Nation is said to consist. The son of the Big Warrior, and the son of the Little Prince, were both at the Indian Springs, and refused to sign. The nephew and representative of the Chief fourth in rank, Hopoy Hadgo, was present, and refused to sign. William Barnard, the principal Chief of the Uchees, refused to sign ; John Stidham, a principal Chief of the Lower Towns, Opothleyoholo, Chief of the Tookaubatchees, with other leading Chiefs, forming altogether, it is conceived, a representation of a large majority of the Nation, were present, and refused to sign. On the day after the death of McIntosh, General Ware represents it as the opinion of one of the Chiefs, who signed the treaty, that the party opposed to it numbered 4,000 warriors, the party friendly not more than 500, the former having been increased "by numbers long cloaked under the garb of friendship," who, since the death of McIntosh, joined the hostile party. The Indians of the treaty-making party who received rations in Georgia, did not exceed about 400 men, women, and children, although it appears from some of the documents submitted, that efforts were made to increase the number.

The intelligence of the proclamation of the Governor of Georgia, relative to the survey, reached the Chiefs of the nation assembled to receive their annuity, and seemed, says the Agent, in a letter to the Secretary of War, 27th April, 1825, to add to their melancholy and distress. They denied that their consent to the survey had ever been asked or given, and those residing in the ceded territory particularly requested the Agent to make to the Secretary of War their decided objection to the surveying of the lands, until they could remove from them. They also asked permission to send a deputation to Washington, the following Winter, for the purpose of understanding the views of the Government relative to their future prospects.

It was at this period, probably in consequence of the news received of the ratification, and the projected survey, that, in obedience to the orders of the Little Prince, as Head Chief of the Nation, direction was given to a certain number of those filling the office of law-menders, to take the life of M'Intosh, and two other Chiefs of Coweta, in punishment for the violation of the law of the nation. This was effected on the morning of the 30th of April, by a party of Indians residing in the ceded territory, who destroyed the lives, burned the dwellings, and plundered the property of the Chiefs. The tidings of this tragical occurrence were communicated to the President of the United States, by the Governor of Georgia, in a letter of May 3d, and, two

days after, orders are issued by the Governor to the Major Generals of the 5th, 6th, and 7th Divisions of the militia of Georgia, to hold their divisions ready to march at a moment's warning, in case "the United States, bound by the Constitution and the treaty to repress and punish hostility among the Indians, and maintain peace" on the borders of Georgia, should, by any means, fail of their duty in those respects. On the same day the Secretary of War was informed, by Governor Troup, of the measures which had been adopted for defence and protection, "until the authority of the United States could be effectually interposed for those purposes." A deputation, consisting of Chilly M'Intosh, and others of the same party, also hastened to Washington, and, on the 17th of May, addressed four letters to the Department of War, soliciting protection and revenge, and the interference of the General Government to chastise the chiefs and warriors opposed to the treaty, and preferring charges against the Agent.

Thus was the interference of the General Government invoked by all parties to this affair, by the Governor of Georgia, by the M'Intosh party, and by the Head Chiefs of the Creek Nation. The despatches from Governor Troup were received at the Department of War, on the 15th and 17th of May, and, on the 18th, orders were sent to General Gaines, then in or near Georgia, to repair to Milledgeville, "for the purpose of consulting with Governor Troup on the measures proper to be adopted in reference to the actual posture of affairs, on his arrival," and, if necessary, to call out the militia of Georgia in defence of the frontier, then supposed to be threatened with invasion. In consequence, also, of the charges made against the Creek Agent, by the Governor of Georgia, and by the deputation of the M'Intosh party, Maj. T. P. Andrews was despatched, on the 20th of May, as a Special Agent, to inquire into these charges.

These orders were promptly carried into effect, by the repairing of General Gaines and Major Andrews to Milledgeville, and, subsequently, to the Creek Agency, where, also, in consequence of the united demand for the effectual interference of the General Government, above alluded to, a portion of the regular army of the United States was ordered, in the course of the Summer. The correspondence which took place between Governor Troup and General Gaines, became, unfortunately, of such a character, as to cause expressions of dissatisfaction to be made by the Governor, to the Secretary of War, in a long letter, dated 7th August, 1826, and an inquiry of the President, in these words. "Now, Sir, suffer me, in conclusion, to ask, if these things have been done in virtue of your own instructions, express or implied, or by authority of any warrant from you whatsoever: and if not so done, whether you will sanction or adopt them as your own, and thus hold yourself responsible to the Government of Georgia?"

On the 30th of August an answer was returned, by the Secretary of War, in which the Governor is informed, that the President, "comp-  
p-ly regretting the different views of the treaty, concluded last February, at the Indian Springs, which the Governor had entertained, from those which the President had found himself, upon the most delibe-

rate consideration, and under the most solemn responsibilities, compelled to take, was anxiously desirous to avoid any thing, which, dictated by no absolute necessity, might have a tendency to render wider differences, in his belief, otherwise easily reconcilable." Declining, for this reason, to enter into a discussion of the numerous topics contained in the Governor's letter, the Secretary of War further states, on behalf of the President, that "the Government of the United States is fully aware of its duties to the people of Georgia; among which is that of paying due respect to the station of their Chief Magistrate; a duty, if possible, still more indispensable, is that of a constant and faithful attention to their interests, and an earnest solicitude to fulfil all the duties of the Union to them." At the close of the letter, the Secretary of War informs the Governor, that "the subject, in all its aspects, would be submitted to Congress, at the approaching Session; and all the instructions of the officers of the United States, as well as their conduct under them, would be subject to the animadversions of that body upon them, for approbation or censure, as they might appear to have deserved." In consequence of another letter, published by General Gaines, the Governor, on the 31st of August, wrote to the Department of War, and demanded of the President, the arrest of that officer. The Secretary of War, in his reply, referred the Governor to his letter of the 30th, in which was made known the purpose of the President to submit the conduct of General Gaines, with every other matter connected with the subject, to the consideration of Congress, and informed the Governor that, as the President knew no sufficient necessity for departing from that course, the demand for the arrest was not acceded to. In a letter from the Department, to General Gaines, of the same date, that officer was informed, that the President disapproved his conduct, in writing and publishing the letters which had produced the demand for his arrest; and a copy of this letter was enclosed to the Governor.

This refusal of the President to arrest General Gaines is, by one of the resolutions referred to this Committee, characterized as an "abuse of office," which, "if not properly atoned for, will, and ought to leave this lasting reproach upon the Nation, that even in Republics the law affords no protection against the views of power and the resentments of ambition." The Committee consider it their duty to state, that, (while they deem the conduct of General Gaines, in writing and publishing the letters, deserving of the disapprobation which it received from the President,) they perceive no grounds for ascribing the refusal to arrest General Gaines, "to views of power, or resentments of ambition." On the contrary, they regard it as their duty to express the opinion, that, throughout the whole of this difficult and delicate transaction, the conduct of the Executive, towards Georgia, has been respectful, temperate, and conciliatory.

In pursuance of his instructions, the special Agent, Major Andrews, repaired to the Creek Nation to inquire into the conduct of Mr. Crowell. The special Agent was furnished with the testimony taken against the Indian Agent by the Georgia Committee, on the state of the Republic; of which testimony, it is observed by the Committee on the

state of the Republic, that, being *ex-parte*, it should be received with much allowance. Having suspended Mr. Crowell from the Agency, Major Andrews proceeded to inquire into the foundation of the charges against him. The result of this inquiry and examination is contained in the report of the special Agent, and other documents forming a part of the series of papers submitted to the Committee, to which reference is now respectfully made. However much it is to be regretted, at any time, and on any occasion, that a request should be addressed from the authorities of a State to the Executive of the Union, without success, the Committee are of opinion, that a removal of the Indian Agent, without examination or inquiry, would have been deemed, by the people of the United States, an arbitrary exercise of power. In ordering an inquiry into the foundation of the charges against the Agent, the Committee conceive that the President but did an act of justice due to every citizen, however humble, and certainly not the less due to an individual who, by a former administration, had been placed and sustained in a responsible office, and had been elected by the people of a sovereign State, as their sole Representative to the Congress of the Union. The result of the inquiry, the defence of the Indian Agent, the testimony collected by the Special Agent, and his report thereon, as well as the doings of the Committee on the State of the Republic, and of the Commissioners of Georgia, and the replies of Messrs. Meriwether and Campbell, are herewith submitted, and contain all the means necessary to enable the House to form an opinion, whether the Indian Agent could have been removed from office, without sacrificing the great principles of right and justice. The Committee will only add the expression of their belief, that, in declining to remove the Indian Agent, the Executive was actuated by no feelings of "contempt for the opinion of Georgia, or of disregard for the welfare of a large portion of the community."

In pursuance of the proclamation of the Governor, the Legislature of Georgia assembled, and, on the 9th of June, passed an act "to dispose of, and distribute the lands lately acquired by the United States of the Creek nation of Indians." By this act, the whole of the ceded territory, within the limits of Georgia, was made subject to the Legislative and Criminal Jurisdiction of the State; the land was divided into sections, districts, and tracts of 202½ acres each; one hundred district surveyors, and ten surveyors of district, reserve, and sectional lines, were appointed to be chosen, and a land lottery organized, by which the said tracts should be disposed of to the citizens of Georgia.

The treaty of the Indian Springs had guarantied to the Indians the undisturbed possession of the land till September, 1826. This guaranty, with the course which events had taken among the Indians, and the serious and fatal consequences likely to flow from the immediate introduction upon the lands, of so large a body of surveyors and their necessary attendants, had led the President of the United States, through the Secretary of War, to make known to the Governor of Georgia, the expectation that the survey would be suspended till the decision of Congress was known on the subject; and this course was adopted by the Governor.

On repairing to the Creek nation, General Gaines held councils both with the McIntosh party, and the Chiefs of the nation opposed to the treaty. The former were assured of the protection of the United States against farther violence. The latter were urged, with the greatest earnestness, to accede to the terms of the treaty of the Indian Springs. To this proposition no importunity could induce them to listen; and while they uniformly professed an intention to submit to the power of the United States, if called into action against them, they as uniformly persisted in ~~declaring~~ that they would accept no compensation for the lands that might be thus wrested from them, in a compulsory execution of that treaty.

Unable to procure from the Creeks an acquiescence in the treaty of the Indian Springs, General Gaines received from them, in the open council of the nation, a written instrument, whereby a certain number of Chiefs, deputed to Washington for that purpose, were authorized to negotiate a treaty for a further cession of land. The deputation arrived at Washington, and a negotiation was opened by the Secretary of War. It immediately appeared, however, that a misapprehension existed, as to the extent of their powers in regard to a cession. In his conferences with them, at Broken Arrow, General Gaines had first proposed to them to enter into a treaty on the basis of a cession of all their lands in Georgia. This proposition they rejected. General Gaines then, of his own accord, and without instructions, (as he informed them at the time,) proposed a treaty, on the basis of a cession of their lands East of the Chatahoochie. They declined acceding to this, on the ground that a part of their deputation was already gone to Washington. The written instrument just alluded to was, however, drawn up, setting forth the authority given to their deputation, to accede to "the last proposition of the President, made by General Gaines." By this "last proposition," the deputation declared that they understood the unauthorized one, which made the Chatahoochie the boundary. General Gaines had understood his authorized proposition to be meant, viz: that which proposed a cession of all the lands within the limits of Georgia. It appears, however, from the documents, that such was not the case.

The misapprehension of the powers of the Creek Deputation formed a serious obstacle, in the outset, to the progress of the negotiations. It was in this posture of affairs, that the meeting of Congress took place, and it appears, from the opening message of the President, that he still anticipated the necessity of making the transactions, in relation to the Treaty of the Indian Springs, the subject of a special message. Fortunately, however, the Indian deputation was at last brought to consent to a treaty, by which all the land East of the Chatahoochie was ceded, and a portion also West of it. To this treaty, after an interval of some weeks, a supplemental article was added, by which the cession was extended to a new line, which, as it was supposed by many persons qualified to judge, would include all the lands within the limits of Georgia.

The negotiations by which this treaty was effected were carried on, during almost the whole of the session of Congress, and rendered it of course inexpedient to agitate the subject of the transactions in rela-

tion to the treaty of the Indian Springs. The happy termination of an affair which had assumed an alarming aspect, was matter of general congratulation. The mass of papers and documents herewith submitted, and not of later date, was communicated to a committee of the Senate, while the treaty was before that body. But the ratification of the treaty, and the sanction given it by the appropriations made to carry it into effect, superseded, in the opinion of Congress, the necessity of inquiring into the subject of the treaty, which was now declared "to be cancelled."

The quantity of land occupied by the Indians, in the State of Georgia, and ceded by this treaty for the benefit of that state, amounts, by computation, to about 4,700,000 acres. The cession was procured, at an expense to the United States of \$ 800,000, including the present worth of the annuity of \$ 20,000 per annum, which formed a part of the price.

By the first article of this treaty, the treaty of the Indian Springs was "declared to be null and void to every intent and purpose whatsoever;" and every right and claim arising from the same was "cancelled and annulled" by the new treaty.

This new treaty received the sanction of the Senate, by a very large majority of the votes of that body, and the appropriations, necessary to carry it into effect, passed unanimously in the House of Representatives, with the exception of ten dissenting voices, nine of which were those of the Alabama delegation and the greater part of that of Georgia.

In the whole course and progress of this affair, in the perseverance and assiduity of the Executive in pursuing the negotiations, and in the ample provisions made by Congress to carry them into effect, the Committee perceive strong indications, on the part of every branch of the legislative authority of the United States, of a desire to redeem the pledge of the compact of 1802, to promote the interests, and gratify the wishes of Georgia.

In pursuance of the provisions of the treaty, the Western line fixed by it, was duly run. Before, however, it could be ascertained, whether, by this line, any part of the lands within the chartered limits of Georgia were left out, it was necessary that the boundary line between Georgia and Alabama should also be established. Commissioners on the part of these two States were appointed. But the circumstance that a direct line to Nickajack, from the first bend of the Chatahoochie above Uchee Creek, would intersect that river, induced the Commissioners to depart from the letter of the compact of 1802, and to propose some other point more accordant with its spirit, which, it was supposed, did not admit of carrying the line East of the Chatahoochie. In endeavoring to settle on some other point, the Commissioners of Georgia and Alabama disagreed, and the former ran an *ex parte* line, on the authority and at the expense of Georgia alone.

Between the Georgia line, and the line ascertained by the Treaty of Washington, it appears, by computation, that there remain unceded, about 198,632 acres of Creek lands. How much this quantity may be reduced, on the final settlement of the line between Georgia and Alabama, the Committee have no documents which enable them to decide.

It is in respect to this small tract of barren land that the existing controversy has arisen. The surveyors of Georgia, in the month of January last, having passed the line of the Treaty of Washington, were interrupted by a party of Indians, acting under the orders of the Head Chief of the Creek Nation, who remonstrated with them, in a letter, written at their request, by the agent; and they have since appealed to the Government of the United States for protection against encroachment on those lands, which were guarantied to them by the treaty. The surveyors of Georgia appealed to the Governor for the support of a military force. The Governor of Georgia has addressed a remonstrance to the President of the United States, apparently representing these interruptions as an invasion of the territorial rights of Georgia, which may end in bloodshed. It has been stated in the public prints, that a military force was called out in Georgia to support the surveyors.

The President has promised to the Creek Nation to maintain the faith of the country, pledged by the Treaty of Washington; and the Governor of Georgia has also been made acquainted, that the President will feel it his duty to carry that treaty into effect. Orders have accordingly been given to the District Attorney and Marshal of the District of Georgia, to arrest and prosecute those who, contrary to the treaty of 1826, and the law regulating the intercourse with the Indians, have been engaged in surveying the lands not ceded.

The right to regulate trade and intercourse with the Indians, was one of the first Federal rights exercised after the commencement of the Revolution. On the 12th July, 1775, it was resolved by the Continental Congress, "that Commissioners be appointed by this Congress, to superintend Indian Affairs on behalf of these Colonies;" and the Indians were divided by the same resolution into the Northern, Middle, and Southern Departments. In the latter department, the Creek Indians were included.

By the articles of Confederation, Congress had the exclusive power of making treaties; at that time, and it is believed at all times, the only mode, in a state of peace, in which the relations with Indian tribes have been conducted in the United States. Congress had, also, the power "of regulating trade, and managing all affairs with the Indians, not members of any of the States: provided, that the legislative right of any State, within its own limits, be not infringed or violated." This express proviso, and the proviso implied in the words "not members of any State," were the sources of much embarrassment under the old Confederation. Georgia, particularly, claimed the right to treat with the Creek Indians concerning peace, lands, and the other objects, that usually form the matters of Indian treaties, and in order to establish her right so to do, she, by the treaty of Galphinton, in 1785, stipulated that the Indians of the Creek nation were "members of the State" of Georgia. In what sense they could have been "members of the State," this Committee does not understand; and the right of a State to enter into these treaties with the Indians, was strenuously resisted by Congress.



At length the Constitution was adopted. The treaty-making power was again vested in the United States. A treaty, duly ratified, became the supreme law of the land, "any thing in the Constitution, or laws of any State, to the contrary notwithstanding." By the Confederation, the powers of the Congress for regulating trade and managing affairs with the Indians were limited, (as has just been observed,) by the proviso "that the legislative right of any State, within its own limits, should not be infringed or violated." No such limitation is found in the Constitution of the United States. This omission was not undesignedly made. It was one of the changes expressly introduced, to prevent the continued collision of Federal and State powers, which had so long existed to the injury of the public. The grant of unqualified power to regulate commerce with the Indians, the exclusive right of repelling, by force, their hostile encroachments, and the exclusive power of treating, were necessarily so many infringements upon the jurisdiction of the individual States, and upon the power of the State Legislatures. If any authority be wanted to confirm these principles, it may be found in the 42d number of the *Federalist*, a paper written by Mr. Madison. Comparing the powers granted to Congress, by the present Constitution, with those of the Confederation, he says, "the regulation of commerce with the Indian tribes, is very properly unfettered from two limitations in the articles of confederation, which render the provision obscure and contradictory. The power is there restrained to Indians not members of any State, and is not to violate or infringe the legislative right of any State within its limits. What description of Indians are to be deemed members of a State, is not yet settled; and has been a question of frequent perplexity and contention in the Federal councils. And how the trade with the Indians, not members of a State, yet residing within its legislative jurisdiction, can be regulated by an external authority, without so far intruding on the internal rights of legislation, is absolutely incomprehensible. This is not the only case in which the articles of confederation have inconsiderately endeavored to accomplish impossibilities, to reconcile a partial sovereignty in the Union with a complete sovereignty in the States; to subvert a mathematical axiom, by taking away a part and letting the whole remain."

To the Constitution of the United States, thus designedly framed on these points, Georgia became a party, and thereby relinquished, if she previously possessed it, all power to treat with the Indians, and all right to exclusive jurisdiction over them.

The powers conferred on the General Government, in reference to the Indians, are to be viewed, not more as conferring authority, than as implying and imposing burdens. With their exclusive rights, in relation to the Indians, devolved on the United States the great duty of defending the States against savage violence. In the discharge of this duty, is laid the foundation of the military establishment of the United States. The first armies raised after the adoption of the Constitution, were for defence against the Indians. And in this way, the older States of the Union, who struggled in their infancy alone and unaided, against numerous and powerful tribes of savages, have been

charged with, perhaps, the greatest single item of public expenditure, in the fulfilment of the trust and duty of carrying on the relations of the Union with the Indians. But the power and the burden must be reciprocal, and the State, which claims the right, by uncontrolled legislation, of causing an Indian War, cannot reasonably call on the Union to sustain the burden of carrying it on.

The first law regulating the intercourse with the Indians, passed after the adoption of the Constitution, was approved July, 1790. After prohibiting the Indian trade to all but licensed persons, it gave to the President, the power to make such order, respecting the tribes, surrounded in their settlements by the citizens of the United States, as to secure an intercourse without license, if he deem proper; and the same law declared that no sale of Indian lands to an individual or a State, whether having the right of pre-emption or not, should be valid, unless made and executed at a public treaty, held under the authority of the United States. The duration of this act was limited to two years, and another law was passed, approved 1st March, 1793, by which the surveying of lands, belonging to any Indian tribe, by marking trees, or otherwise, was prohibited. All purchases and grants of land, or claims and titles to lands, "not made by a treaty or convention, entered into, pursuant to the Constitution," were declared to "be without validity, in equity or law." This act, limited to two years, was supplied by that of May 19, 1796, by the first article of which the Indian boundary line was declared and defined from the mouth of the Cayahoga river on the Lake Erie, to the St. Mary's. At this time the Oconnee formed the boundary line between Georgia and the Creeks. By this law, the prohibition of surveys is specifically re-enacted, and all right, title, and claim, of whatsoever nature or kind, of persons settling or surveying lands secured to Indians, by a treaty, is vested in the United States, on conviction of the offender. This law was limited to three years, and its provisions were substantially re-enacted by that of 3d March, 1799. By the law of 30th March, 1802, the previous legislation on this subject was re-enacted without limitation of time, and has remained to the present day, and still exists unrepealed.

It is not known to the Committee, that, until recently, either Georgia or any other State, has, since the adoption of the Constitution, exercised or claimed the right to treat with independent tribes of Indians, except by authority and consent of the United States, or has exercised any act of legislation over them, or has claimed to do any act or thing forbidden by the law of 1802. The Committee believe, that the State of Georgia has not only acquiesced, until lately, in the validity of this course of legislation, but that her intelligent and prominent citizens have given it their express sanction. In the talk of Messrs. Campbell and Meriwether, to the Cherokees, in 1823, these gentlemen say, "the sovereignty of the country which you occupy, [a considerable part of which is in the State of Georgia,] is in the United States alone, no State or foreign power can enter into a treaty or compact with you. These privileges have passed away, and your intercourse is restricted exclusively to the United

States." In a letter dated March 10, 1824, addressed by the Georgia delegation of Senators and Representatives to the Secretary of War, the Committee understand the delegation to say, that the Cherokees are "to be viewed as other Indians, as persons suffered to reside within the territorial limits of the United States, and *subject to every restraint, which the policy and power of the General Government require to be imposed on them*, for the interest of the Union, the interest of a particular State, and their own preservation."

From these considerations, the committee are brought to the conclusion that the property in, and jurisdiction over, the lands occupied by the Creeks within the State of Georgia, are not exclusively possessed by that State, but are subject to the rights guarantied to the Creeks, or reserved to the United States, by the Constitution of the United States; by the compact of 1802; by the provisions of law; or by treaty.

It remains only to ask, whether the occupancy of the small portion of lands, now in controversy, is reserved to the Creek nation, and on what right Georgia claims to survey it?

Georgia claims the right to survey it under the treaty of the Indian Springs; but the committee are of opinion that no right nor title could vest under that treaty, for the following reasons, in brief:

*First.* That treaty was negotiated, not only contrary to instructions, but on a basis expressly forbidden by the Executive, when previously submitted for his sanction.

*Secondly.* The treaty of the Indian Springs was concluded by a party of the Creek nation, not authorized by the Creek nation to treat for the cession of any lands.

*Thirdly.* The treaty was concluded by a minority, not merely of the principal chiefs of the nation, but by a minority of the chiefs present, and without regard to the protest of the head chiefs, made by their representative, both before and at the moment of executing the treaty.

*Fourthly.* Supposing the Commissioners authorized, and the chiefs empowered to treat, such authority and power could, in no circumstances, extend beyond a cession of the lands occupied by the chiefs treating, and those who empowered them; whereas, by the treaty of the Indian Springs, a small party assumed to themselves the right to cede away nearly all the lands occupied by the nation.

*Fifthly.* If the Creek nation was a party to the treaty of the Indian Springs, then it has been declared null and void by the two parties to it, viz: the United States and the Creek nation; if the Creek nation was not a party to it, then it is no treaty at all, for it purports on its face to be negotiated with the Creek nation.

For these reasons, on which the committee are prevented for want of time from enlarging, they are of opinion that, by a treaty like that of the Indian Springs, the Creek nation could not be divested of its right of occupancy, nor Georgia vested with a right of possession, and that the lands West of the new treaty line, having never been ceded away, are reserved to the Creek Indians by the treaty of Washington, and that the survey of them is contrary to law.

The committee, however, are happy to add, that the inconvenience resulting from this circumstance, is much less than was apprehended. In a letter of Governor Troup to Messrs. Cobb and Berrien, dated 4th May, 1826, it is stated, that, "unless all the sources of information here shall prove erroneous and deceptive, the State, (if the validity of the new treaty be admitted,) has been defrauded of one million of acres of her best lands." But if the Western boundary of Georgia were run, according to a rigorous construction of the compact of 1802, it would pass in some points East of the Chatahoochie, and thus give her a boundary which she might consider less advantageous than the line drawn by the treaty of Washington. If the Western boundary line be run according to the interpretation put upon the compact by the Commissioners of Alabama, it would leave Georgia less than she now claims. But granting the *ex parte* line, run by the Georgia Commissioners, to be the true Western boundary of the State, the quantity of unceded land, by the only computation the committee has seen, is 198,632 acres, and that of a poor quality, being about one ninety-eighth part of the lands, the Indian title to which the United States, in 1802, covenanted to extinguish for Georgia, as soon as it could be done reasonably and peaceably.

The small quantity of land in controversy, and its trifling value, render it probable that the Indians will agree to cede it. Inasmuch as the quantity depends on the direction which the line between Alabama and Georgia may take, it were to be wished that this line should be first run. It appears, however, that the Executive, from an earnest desire to meet the wishes of Georgia, has instructed the Agent to urge the Creeks to a cession of all the land East of the line which Georgia has established for herself. The preliminary steps for this cession require no appropriation; and the committee deem it inexpedient, by now making an appropriation for the final purchase, either to fix on an inadequate or on an unnecessary large sum. It is the result of the best view which the committee have been able to take of the subject, that no legislation upon it is at this time necessary.

In conclusion, the committee beg leave to observe, that they have given to this important subject all the time and attention they could command at this advanced stage of the session. They have felt how many great interests are concerned in the subject; the powers of the Union, and the manner in which they have been exercised; the rights and interests of a sovereign State; and the protection due from the strong and the prosperous to the feeble remnant of a once formidable race. Notwithstanding the collisions of opinion, which can rarely be avoided where such interests are involved, the committee think it may with justice be averred, that in the general result, while the Constitutional powers of the United States have been asserted, the great objects desired by Georgia have been attained, and the public sentiment of the world has not been disregarded, which requires a tenderness and moderation in disposing of the rights of those whom Providence has placed, without the means of resistance, at our discretion.

Such are the views which the committee had prepared themselves to submit to the House. By the message and accompanying docu-

ments yesterday referred to the committee, it appears, (if the Governor of Georgia correctly represents the other authorities and people of the State) that the prospect of a prompt and amicable termination of existing difficulties is less flattering than had been hoped. To the letter of the Secretary of War, informing the Governor that the President, in consequence of the remonstrance and appeal of the Indians, would feel himself compelled, if necessary, to employ all the means under his control to maintain the faith of the nation, by carrying the treaty of Washington into effect, the Governor has returned a direct defiance. Instead of submitting the decision of the question to the tribunal provided by the Constitution, he has issued orders to the Attorney and Solicitor General of the State to take all necessary and legal measures to effect the liberation of the Surveyors who may be arrested under the authority of the Government of the United States; and has directed them to bring to justice, by indictment or otherwise, the officers of the United States, or others, concerned in arresting the Surveyors, as violators of the peace of Georgia. He has ordered the Major Generals of two divisions of militia to hold the regiments and battalions within their respective commands, in readiness to repel any hostile invasion of the territory of Georgia, and he has declared, in substance, that he shall regard the attempt of the United States to sustain the Indians by force, (which it will become their sacred duty to do, should all other means fail,) in the occupation of the lands reserved to them by the treaty of Washington, as an attack upon the territory, the people, and the sovereignty of Georgia.

The committee will not take upon themselves to express any opinion on the subject of counsels, so much to be deplored. They have no apprehension that the People of Georgia will engage in violent collision with the Union, for the purpose of sustaining a title to a small strip of barren land, acquired under an instrument which, by a very large majority of the other House of Congress, sanctioned by an almost unanimous vote of this House, has been declared "null and void." If, however, it is necessary to contemplate so disastrous an event, the committee trust the law of the land will be maintained, and its faith preserved inviolate. The committee recommend the adoption of the following resolutions:

*Resolved*, That it is expedient to procure a cession of the Indian lands, in the State of Georgia.

*Resolved*, That, until such a cession is procured, the law of the land, as set forth in the treaty of Washington, ought to be maintained by all necessary constitutional and legal means.

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The above report having been read, Mr. DRAYTON moved to strike out all after the word "Committee," and, in lieu thereof, to insert the following:

Report, that they have considered the report, resolutions, documents, and messages referred to, all of which have been printed and laid upon the table of this House, to which they call the attention of

its members for specific and detailed information; and, after maturely reflecting upon the principles and facts contained in those papers, they have arrived at certain conclusions, the nature and extent of which are fully expressed in the following resolutions, which they therefore beg leave respectfully to submit :

1st. *Resolved*, That the State of Georgia possesses the right to the soil and to the jurisdiction over the lands within her limits, which are in the occupancy of the Creek Indians.

2d. *Resolved*, That the State of Georgia has the right to extinguish the title to the lands of the Indians within her territory, and to legislate for them in all cases, subject to the right of Congress to "regulate commerce with the Indian tribes."

3d. *Resolved*, That surveying lands in the occupancy of the Indians, within the limits of the State of Georgia, and by the authority of her legislature, is not an interference with the right of Congress to "regulate commerce with the Indian tribes."

4th. *Resolved*, That the treaty of the Indian Springs having been executed and ratified by the Creek Indians, and having been executed and ratified, on the part of the United States, in the manner prescribed by the constitution, and never having been constitutionally repealed, all the rights which, under it, were conveyed to the State of Georgia, are unimpaired at this time.

5th. *Resolved*, That the President of the United States be requested to extinguish the claim which is set up by the Creek Indians to the lands in their occupation in the State of Georgia, which were not comprehended in the treaty of Washington.

*Copy of a letter from Governor Troup, transmitting a communication of the Rev. Wm. Capers, containing charges against Colonel Crowell, Creek Agent, &c.*

MILLEDGEVILLE, 16th January, 1824.

SIR: The submitting to you a complaint against an officer under your authority, it will not be understood, that I am actuated by any other motive, than the desire of making you intimately acquainted with a man, who would seem so far to be an utter-stranger to you. You will see in the sequel, dark and mysterious things unveiled, and upon such high authority, that no man dare to shut his eyes against them. The naked statement which I make, will pass for nothing—it is so intended—but the sacred and solemn appeal which I know has preceded it, will make an instantaneous and lasting impression. It comes from a sacred source, where piety and devotion unite with patriotism, to bring culprits of every kind to justice.

You are no stranger to the virtues of Mr. Capers, who, blending the finest talents and accomplishments with no ordinary eloquence, stands first among Christian ministers in this Southern country. I have said to him, that his oath, which he has tendered in support of his memorial, is no better than his word, and that you will so consider it; so of the rest—he is the voucher for them all, and a better you cannot have. If the memorial, therefore, speaks truth, why have you a man in a confidential place, without morals, without dignity, without even the exterior of religion, forcing by insolent authority the peaceful ministers of the gospel from their hallowed places, and pursuing the idol mammon, with a zeal which never tires, in all places and among all men. This is my general impression of his character, collected from rumor, as well as from the evidence which will be submitted to you. With regard to my brief and impotent accusation, made now without resentment, suffer it to pass, if you please, unheeded. Resolved to prefer it, worthless as it is, if it can be made to weigh a feather in the scale of the memorial, I shall not regret it.

Mr. Crowell, the Agent, not being an inhabitant of the State of Georgia, but an officer of the United States, abandoning his station did, for political purposes, repair to the seat of Government of Georgia, with the sole view and intent to use his influence in behalf of one of the candidates, at the late election for Governor, and did so use it in the most open, public, and grossly indelicate manner; thus intermeddling in the political affairs of a State, to which he ought to have been, as he was, in fact, a stranger and an alien; and thus compromising the Government, whose agent he was, in a matter in which the highest interests of the States were involved; no less interests than the freedom and independence of the elective franchise.

Very respectfully, &c. &c.

G. M. TROUP.

The Hon. J. C. CALHOUN,  
Secretary of War.

## No. 1.

*Memorial of the Rev. W. Capers, containing charges against the Creek Agent, Colonel Crowell.*

MILLEDGEVILLE, GEO. January, 8th, 1824.

To the Hon. JOHN C. CALHOUN,  
Secretary of War :

SIR : Agreeably to a resolution of the Missionary Committee of the South Carolina Conference, confiding to my discretion whether or not to lay before the Government, previous to the next sitting of the Conference, a statement of the wrongs which have been imposed on our missionaries among the Creek Indians : it appearing to me that further procrastination might jeopardize the existence of the mission, and could not, probably, avail any good, I submit the following memorial of our grievances, and of all the facts and circumstances which relate thereunto, as have come to my knowledge, to the end that the President may be informed of the injuries we suffer, and may take such measures as he may deem proper, to cause to be restored to us that dearest prerogative of freemen, *the liberty to worship God according to the dictates of our conscience*. This liberty, as I hope to shew, has been taken away from us at the instigation of Colonel John Crowell, Agent for the Creek Nation of Indians. The act itself, by which we have been thus deprived, may be stated in these words, viz : At the National Council, held at Thla-katch-ka, (Broken Arrow,) in the Creek Nation, June 15 and 22, in the year 1822, the Big Warrior did, in council, forbid us to preach at our mission-house, or elsewhere in the nation ; or in any way except privately ; or in the absence of every other person than our own family, to worship God.

For a statement of the facts and circumstances which have come to my knowledge in relation to this transaction, and which are evidence in this unrighteous act of Big Warrior, (or of the council,) was performed at the instance of the U. S. [Agent] Colonel John Crowell, I beg your patience :

1. I first entered the Creek nation in September, 1821, and preached in the presence of several Indians at the house of Mr. Spain, a white man, distance from Thla-katch-ka 32 miles, on the Federal road. On the second day after this, I first met with the chiefs McIntosh and Lovett. I was introduced to McIntosh by a letter from General John McIntosh, of this State, as *a minister of the gospel, who visited the Indians for a religious and charitable end only* ; and after a full and unreserved conversation, I left with these chiefs, to be shown to Big Warrior, Little Prince, and others, letters from Governor Clark, General David Meriwether, and General Mitchell, all of Georgia ; in which letters I was spoken of only as in that from Gen. McIntosh. I also left with them a paper, subscribed by myself, the preamble of which began as follows, viz : "The Bishops and South Carolina Conference of the Methodist Episcopal Church, have sent William Capers, their son, to talk with their red brothers of the Creek nation, and to say to them, who shall sit down among their red brothers and teach their children to read and write, and teach them other good things. And William Capers further says, that his fathers are all good men, who worship God, and serve him," &c. &c



After this, and without further intercourse with the Indians, the Agent being absent in the State of Alabama, I wrote to him, signifying the object of my visit, and enclosing your kind introduction, and a copy of the paper left with Lovett, and I returned home.

2. Notified by an obliging letter from the Agent, of the meeting of a council of chiefs, in November following, I again visited the nation. At the agency, and thence to Fort Mitchell, (60 miles,) I had the Agent's company ; and, for the benefit of his counsel only, I boarded at the same house with him, during the several days which were employed in conducting an agreement with the council. During all which time, although I took not a single step without him, and was careful to manifest the greatest deference to his suggestions and advice, he never gave me the slightest intimation of any indisposition on the part of the Indians to allow of preaching among them. And this, although he did several times signify their aversion to the instruction of their children in agriculture and the arts of common life, and recommended me to omit any proposal on this head until a future day, when their prejudices shall have been overcome by acquaintance. He did indeed say to me, just before I appeared in council, that Big Warrior had made some inquiry whether I was connected with those missionaries who some time before had visited them ; or in some other way had expressed himself so as to intimate that an ungracious recollection of those gentlemen might weigh in his mind against what I might propose ; but this too, when I met it by saying that I also was a missionary, and that with respect to our religious intentions there could be no material difference between myself and the gentlemen alluded to, was waived, by his referring the old matter of requiring the children to work, or demanding too much land ; and he then positively answered me, that he apprehended no difficulty ; meaning, as I understood him, that no objection was entertained on the score of religion.

3. In my conversation with the council, although I was every where met with questions which evidenced a suspicion that our motives might be interested, not one word was uttered, (or, if spoken, was not interpreted to me.) to intimate the slightest indisposition to our religious intentions, nor indeed to signify any care at all on the subject. And this, although they were treating with one who declared himself a missionary, sent to them by Bishops and a Conference of Ministers. And yet further, after my proposals had been accepted, Big Warrior, in the very act of announcing to me that acceptance, adverted to their refusal of former missionaries, and said that it had been in consequence of their too high demands for land, and requiring the children to work, (thus confirming the constructions given to his intimations given to the Agent, as before said.) but uttered not one word against religion ; not one word against preaching.

4. When, in December following, I first pitched a tent on the site where our Mission House now stands, (distant less than one mile from Little Prince, Tustunnuggee Hopoi,) and less than two miles from Lovett, and about 60 miles from the Agency, I preached on the Sabbath day ; and believe it was generally known in the neighborhood, and by no one objected against, that I did so. After this, dur-

ing the month of December, 1821, and January and February, 1822, Mr. Hill, (then our resident Missionary) preached—how often I know not; and, during the following months of March and April, Mr. Hamill, (who succeeded Mr. Hill,) preached twice. My preaching was not more frequent, as is honestly explained in the report of the Missionary Committee, herewith forwarded, marked No. 1.; but it was performed occasionally, and as a matter of right, during the five months together, without being objected to.

5. When the Rev. Mr. Smith, who had been appointed to the Mission with Mr. Hamill, arrived there, May 4, 1822, and found that a congregation of from fifty to seventy persons could regularly be had, who understood our language, he applied to Little Prince, to know whether the having public worship every Lord's day would be offensive, and was answered, (as he answered me,) that he had a right to preach as much as he pleased, and was welcome to do so. This reference to Little Prince was impolitic, and without my advice; but it serves to shew what were his views, and probably those of the Chiefs in general, with respect to our religious liberties. He could not have been uninformed of what had been done, living as he does within a mile of us; and, if averse to our preaching, he could have desired no fairer opportunity to signify his aversion.

6. During all this time, I believe the Agent was never nearer to us than the Agency, (60 miles); or, if nearer, at least not to remain any time. Indeed, I think he was scarcely at all even at the Agency; but absent, either on business at Washington City, or in Georgia. Pretty certainly, (he had not been very nigh to the nation, from the time of Mr. Hamill's arrival there, in March, until about the 12th June. Or perhaps he might have touched at the Agency after his return from Washington, and from that place issued his order to postpone the yearly Council from about the 1st, to the 15th June, between which dates there was a cock-fight in Hancock county, Georgia,

7. Having been advised that the annual Council would be held about the 1st June, and judging it important to be present at the Mission at that time, I was on my way thither, when I stopped at the house of the Rev. Mr. Ralls, about fifteen miles from Columbia, S. C. on the road leading to Augusta. This gentleman told me that Colonel Crowell, the Agent, on his way from Washington City, had stopped there a few days before; and that, in answer to some inquiry by Mr. Ralls relative to the Mission among the Creek Indians, he (the Agent) replied, that there existed an agreement between the Indians and myself not to permit preaching in the nation. This Mr. Ralls related with evident concern, and desired me to explain. Up to this time, although I had been mortified by his profane swearing, and (as I thought) giving countenance to some profane and vulgar persons while we were together at Fort Mitchell, I never entertained a thought that the Agent could meditate evil against us.

8. I hastened to the Mission, and was glad to learn that the postponement of the Council, until the 15th June, had been ordered. I was glad of this, because I desired to have, not only the opinion of my brethren, the resident Missionaries, with respect to the past, but also their aid in a careful inquiry into the present dispositions of the

Indians towards us. Both Mr. Smith and Mr. Hamill assured me that they knew no reason to suspect the least dislike towards our preaching, among any of the Indians whom they knew; all of whom, they believed, regarded it as a matter of course. They could remember no single instance to the contrary; nor could our mutual observations detect the slightest intimation of offence. This, up to the time of the Agent's arrival in our neighborhood.

9. The day after the arrival of the Agent, as Mr. Smith and myself were passing the watering place near his house, I overheard a child say to another, that the Agent intended to put a stop to Mr. Smith's preaching. The next day we were visited by the Rev. Mr. Compere, who was come out to treat for a Mission in the name of the Baptist church, and had passed the preceding night in the same house with the Agent. This gentleman complained of the Agent's profaneness; and said that, among other remarks, severely animadverting on Mr. Smith's preaching at the Mission House, he (the Agent) said, that Mr. Smith would send more souls to Hell, than ever he could get to Heaven, and that he should desist from preaching, or he would drive him out of the nation.

I asked Mr. Compere whether he was certain that the Agent said he, himself would drive, and not that the Indians would; and was answered, that he was certain the Agent spoke in the first person. I farther inquired, whether he knew any gentleman present, and was referred to Mr. Webb, of Clinton, Georgia, a gentleman of amiable character, and a respectable attorney. The day following was the Sabbath, and Mr. Webb came over to preaching. To my inquiries relative to the advices of Mr. Compere, he evidently answered with reluctance, and rather as a mediator than in strict testimony. He could not say, positively, that the Agent affirmed he would drive us out of the Nation—perhaps he might have used another form of expression. He did say, that preaching was all fudge, d—d nonsense, or something like that; but perhaps it was rather because he chose to seem profane, than because he intended to take measures against us. That he himself was inclined to think so. A letter from this gentleman, written at my request, is herewith forwarded, marked No. 2. I have not obtained the testimony of Mr. Compere, because I am told that his situation is peculiar: he being in the immediate neighborhood of Big Warrior, who is said to be very devoted to the Agent; especially since the late disturbances, principally between the Agent and McIntosh. If, however, his evidence is judged to be indispensable, it shall be had.

10. After what was related by Mr. Compere, and Mr. Webb, I determined, as the best expedient to prevent any intentions against us by the Agent, to use the first opportunity to obtain from the Chiefs in Council, a declaration, that our religious privileges, as citizens of the United States, should not be molested. There was one of the Chiefs, whose distance from us had not permitted our obtaining any evidence of his friendliness; and it was thought to be important, to ascertain his feelings towards us, before any thing should be attempted with the Council. This Chief was Big Warrior. I have stated,

that my interview with Mr. Webb was on Sunday. The Council began on Saturday; and Big Warrior, with a number of his men, was encamped at the distance of about six hundred yards from our house. The Indians, during these two days, were freely and in companies at our house. Even while our congregation was collecting, on Sabbath, and during our worship, there were not a few of them about us; and, we believed, not a few of those who belonged to Big Warrior's encampment. From these circumstances we concluded, that if Big Warrior had not been previously informed, he could not then be ignorant of our preaching. Late in the afternoon, I visited him, attended by my brethren; and after a long and entirely pleasant [conversation,] I requested to know, whether, in any respect, either of our conducting our establishment, or in the conduct of any individual attached to it, their had occurred any thing which he wished to be corrected. To this, he immediately replied, and with, at least, the appearance of candor; I thought him perfectly candid; that he had inquired concerning us, and was well pleased with all he heard of us.

11. The next morning, Monday, June 17th, 1822, I appeared before the Council; and after having made some statements, which were well received, relative to the general interests of our establishment, I remarked, that it was almost wholly dependent on collections, which then were making among religious people in South and North Carolina, and Georgia; that much must depend, for the success of the collections, on the religious character of our institution; and that I had heard an idle rumor, which I had too much confidence in them to believe, against our preaching; but which, should it circulate in the States among those who could not know them as well as I did, might embarrass the collections, and otherwise operate harmfully: to prevent which, I desired, that they would make a declaration that we should not be prevented from worshipping God, according to the dictates of our conscience. To this, the Agent briskly and angrily replied; refusing to have what I said interpreted. A sharp altercation ensued between us, in which he discovered more warmth than I remember ever to have seen exhibited in a dispute where one of the parties was not personally injured. Among other expressions of a like character, which are not distinctly remembered, he objected against our being allowed to preach, on the ground that preaching would breed insubordination, or insurrection, (which of the words I am not certain,) among the negroes; and at the close of all, it was with an air of triumph, that he said, "now you may have it interpreted, if you will, but I know how it will be." He was not mistaken: Big Warrior sternly objected against it; and nothing that I could say, was of any avail. Finding it to be in vain to insist on the liberty to preach, I asked in what lesser instances we might be indulged, and proposed several modes: to all which, until I descended to our praying together, in the absence of all persons not belonging to our family, I was sternly answered "No." There, the Agent, (who before this had been silent,) anticipated Big Warrior's reply, and said to the Interpreter, as he was about to interpret my words,

"Tell Big Warrior, I wish them to be allowed that much ;" and the Chief replied " Yes."

I assure you, that in introducing this subject to the Council, I used the utmost precaution of which I was capable, not to insinuate the slightest implication of the Agent ; and that, although my own feelings were cruelly outraged, I maintained the utmost delicacy I could towards him, during all this transaction. And I further affirm, that I believe it would be contrary to the evidence of my senses, and the plainest reason, to suppose that the Agent was not moved by his own individual hostility, with an intention to prevent preaching, in the part which he acted in this affair. I beg leave further to say, in justice to my excellent brethren, that no objection could reasonably be entertained against *their* preaching, and not against preaching in general. The venerable Isaac Smith has been too long known, and loved, and honored, in South Carolina, particularly in Camden and Columbia, (I refer you to Mr. Carter, a Representative in Congress from South Carolina,) to be accused of inadequacy or rant ; and Mr. Hamill is a man of sound understanding and knowledge, and mild and unoffending in his address. In truth, I have never heard an objection pretended against either of these gentlemen, whose preaching the Agent has so zealously silenced. Why have we provoked his enmity ? Is he an unbeliever in the truth of Christianity ? Or, is it because our preaching in the neighborhood, might injure some interest to the store at Fort Mitchell ?

12. In the deliberations of the Missionary Committee, immediately subsequent to this event, it was determined to submit patiently to our circumstances, and to use every proper endeavor to conciliate the Agent, in hope that he might be won ; or, if not, that we might acquire some consideration among the Indians to prevent their being farther inflamed against us, in the event of our complaining to the President ; for we all were of the opinion that the same influence which had so suddenly deprived us of our religious liberty, might, if provoked, drive us out of the nation ; and that as in the one case, so in the other, it might be done with the authority of the Chiefs. We had a most difficult and delicate part to act. Our Mission was supported by collections obtained from a religious people for a pious end ; and its importance would be estimated according to its probable religious tendency. There was already no excess of good feeling, (particularly in Georgia,) towards the Indians, and we could not render them justice in this affair, without exposing the Agent. We used, however, every precaution not to implicate *him*, and suffered the conjecture generally to prevail, that the Indians had acted upon some barbarous prejudice, or had been instigated by the vulgar white men who mix among them. We relied wholly upon persuasion. To the Conference, however, no disguise could be used ; and a rule of the Conference required, and it was generally expected by our people, that a faithful history of the Mission, for the year preceding each sitting of the Conference, should be reported, and published. We obtained a commitment of the report, with leave to suppress the Agent's name,

and afterwards delayed its publication. It has been published lately, and is that document marked No. 1.

13. Our last hope, short of our appeal to the Government, was placed upon a belief that the Agent was not unfriendly to the separate existence of our school; and that when he should know that we must either be allowed our religious liberty, or that the school also might be relinquished, he would yield his opposition. In this, also, we have been disappointed. Some time early in April last, I received a letter from Mr. Hamill, who, after the event of June 17th, 1822, was removed from Asbury, and has been employed in a Mission to the new settlements, in some of the upper counties of the territory last obtained from the Creek Indians, which letter is herewith forwarded, marked No. 3. About the same time Mr. Smith, also, in a letter which unfortunately had been mislaid, informed me that, from all that he could learn, we might expect to be restored to the liberty of public worship, by an act of the Council, in May following. This he said was in no part owing to any agency of his own: he had been, according to my advice, entirely silent on the subject; but he understood that several of the Chiefs had signified an intention to have our privileges restored to us, as formerly. I was unable to attend the Council, but anticipating its meeting, I wrote to Mr. Smith, requesting him to see the Agent, and to solicit his assistance: and at the same time, I addressed to the Agent a letter, of which the accompanying paper, No. 4, is a true copy.

To Mr. Smith's solicitations, (see his letter to the Missionary Committee, marked No. 5,) the Agent replied that he would not use his influence for us; and to my letter he has never deigned to make any reply at all. In the end, there was nothing said about us in the Council; but afterwards, (as I learned from Mr. Smith,) a report was put afloat which must have been founded on the contents of my letter to the Agent, that the School was about to be discontinued. Which report, when Mr. Smith contradicted, and asked Lovett why nothing had been said respecting us in the Council, he was told by that Chief, that they had held a talk with the Agent at his house, and they had agreed that we should not be allowed to preach.

In that talk, what part is it probable that the Agent acted? Not long after his public talk, June 17, 1822, he told Mr. Smith some pretty things about patience, and intimated, (as the good old gentleman understood him, and charitably believed,) that he was very sorry for my having mentioned the subject of preaching to the Council: that if I had said nothing about it, no objection would ever have been made, and that he still hoped we might, by and by, be permitted to preach. But, after all this, when the most respectful reference was carried up to him, he said that he would not use his influence for us; and straightway holds a private talk upon our affairs with some of the principal Chiefs! Was he afraid of consequences that he should have another public talk upon this subject? Why did he not apologize to Mr. Smith? why not invite him to be present? or, at least, before or after this private talk, why not some word said or written to him, or to myself, if it was held with good intentions? Was it from personal

offence? No; witnesses are not a few, who could testify that, in Georgia, at least, the Agent has spoken in terms of more than bare approbation of Mr. Smith; and of myself, I have never heard of his speaking harm.

In conclusion: that the facts in evidence in this memorial are not more full and explicit, is probably owing to the peculiar situation of the subject. The Indian language, and our circumstances in general, render it very easy for the Agent to hide himself from our observation; and we have felt ourselves to be bound in conscience not to invite the objections of those to whom he is known as the representative of the Government of the United States. I should add, that a scruple to complain to the Government of what we regarded to be persecution for righteousness sake, and a fear of provoking greater injuries before our complaint should be answered, and our mistaken confidence in the efficacy of an innocent deportment, have all operated to prevent our searching after evidence, or carefully to take down at the time, that which is referred to. That more is not repeated, of the Agent's language to me before the Council, June 17, 1822, will not, I hope, be regarded unsatisfactory. At first, the effect produced upon the Indians by the violence of his manner, was such as to alarm me for my safety; and afterwards, I was too deeply engaged with Big Warrior, and too much pained by the melancholy result, to employ my mind in minute recollections. In any other matter, should the statements made be deemed inconclusive, or requiring explanation or support, I beg to be informed.

I only add farther, that it would be in vain for the Government to speak to the Indians, through Col. John Crowell, on this subject. The man who, to the Rev. Mr. Ralls, could assert the existence of a fact which he could not be mistaken never did exist: the man who could act as Col. Crowell did towards me, in June, 1822, and presently afterwards, and repeatedly intimate to Mr. Smith a friendly desire to have us reinstated in the rights which, by his own hostility, had been wrested away from us; and again, without any offence, pretended or alleged, could declare that he would not use his influence for us, and straightway hold, (as I believe he did,) a secret conference to counteract the better intentions of some who would have served us: the man who, in Milledgeville, can speak admirable things of the mission, (as he has done to me,) at the same time that he is carrying on, (as his conduct has evidenced,) an inveterate persecution against it in the nation: who meets me here with respectful civility, and then entertains me with swearing and contempt—this man cannot do justice where religion is concerned. We believe him to be an enemy to the Gospel; that he abuses his authority and his influence to oppugn it, and we pray to be delivered from him. That we will be heard, we rely on the well known character of the Government, as well as the particular fact, that previously to my fulfilling the wishes of the Bishops and the conference, by instituting a mission among the Creek Indians, I had your countenance, and I went to them bearing a letter from the Secretary of War to the Agent. It is true that I could not succeed as we all then desired, and still desire. They would agree to have

their children instructed in agriculture and the mechanic arts ; but an agreement, (the best we could, and having all its stipulations approved by the United States Agent,) was concluded with them, in hope, and with an intention to accomplish as soon as possible all that is desired both by the Government and the Church.

From the beginning of our mission until this time, it has cost us eight thousand dollars, exclusive of the clothing of the children. Our school, as you may suppose under such circumstances as we have suffered, has not steadily maintained its number of scholars. This has fluctuated between thirty and sixty-five; but I know no school, which, for propriety of conduct, and improvement in manners and learning, might take precedence of ours.

WM. CAPERS,

*Superintendent Creek Indian Mission, and Chairman  
of the Missionary Com. of the S. C. Conference.*

POSTSCRIPT.—I beg leave to add a word more to what has been said in the 12th paragraph of this memorial. I have intimated that it was apprehended, by the Missionary Committee and myself, that the mission might suffer, for the separate act of our preferring to the Government a just complaint against the Agent. We did fear, and we are not yet without apprehension, lest as soon as the Agent shall know that we have complained against him, he should excite the Indians to prove his innocency by acts of greater violence. Is this uncharitable? If I have stated truly the history of his conduct towards us, might we not apprehend that neither mercy nor good faith should protect us under his power? Yes! even now, we anxiously and with fear make our appeal to Government to secure us in the dearest rights of freemen—against whom? Might we not complain if our complaint was uttered against the Indians only? We are native Americans; and our venerable missionary, who, more than any one of us, is injured, fought long and fought bravely to be free. Next to his God he loves his country, and in this we are with him. We have offended no law—no, not even of the Indians. We have been most unrighteously oppressed; but who has done it? If the Agent of the United States' Government, so against all right, both civil and moral, against his country and against religion, has done this, what may he not do? And if he could and can do *more*, is there no alternative but that we must suffer what is, or be exposed to worse? Can he not be made to answer, without the citation itself being used as a watchword to destroy? I am grieved to say this, and a great deal else, that has been said. I never before accused any man. My tongue is undefiled. It is used to prayer, and loves to intercede, although I speak thus.

W. C. S. C. I. M. &c.

GEORGIA,  
Baldwin County, } ss.

Personally appeared before me William Capers, and, after being duly sworn, saith that each and all of those facts and assertions, which in the foregoing memorial are said to have transpired under the im-



mediate observation of this deponent, and which he there has asserted of his knowledge, did so transpire, and are truly and candidly stated and asserted, without exaggeration, abatement, or misrepresentation, according to the best of his recollection and belief. And, that all those other facts which, in said memorial, this deponent has stated to have been related to him by some person or persons, were so related; if not always in the very same words which he has used, yet, at least, always with the same meaning, and to the same ends, and no other, to the best of this deponent's recollection and belief.

And this deponent further saith that the papers, marked and numbered from 1 to 5, which accompany the aforesaid memorial, are, to the best of his knowledge, what he in the memorial has said they are.

WM. CAPERS.

Sworn to before me, the 10th of January, 1824.

H. ALLEN, J. I. C. B. C.

Accompaniment—No. 1.

*Second Annual Report of the Missionary Committee of the South Carolina Conference, read before the Conference, and accepted February 26, 1823.*

**Members of the Missionary Committee of the South Carolina Conference.**

*Rev. William Capers,  
Lewis Myers,  
William M. Kennedy,  
James Norton,  
James O. Andrew,  
Peter W. Gautier,  
Samuel K. Hodges,  
Lovick Pierce,  
Benjamin Blanton,  
Joseph Travis,*

*Rev. Thomas Barley,  
Joseph Galluchat,  
Daniel Hall,  
Andrew Hamill,  
Col. Richard A. Blount,  
Maj. James Meriwether,  
Maj. William Flewellen,  
Jas. Shackelford, Esq.  
Thomas Blake, Esq.  
William Cone, Esq.*

The Missionary Committee report to the Conference the progress of their Mission among the Creek Indians for the last twelve months.

In this report, your committee regret to mention some unpleasant incidents. The "*strong man armed*," cannot be dispossessed and spoiled without a struggle. But although we have not been so happy as to escape opposition, and are not yet able to rejoice in a perfect prosperity, we trust that all the circumstances of the Mission considered together, will be regarded to urge your "*patient continuance in well doing*," rather than to discourage you from "*striving against sin*." Your committee honestly assure you, that they entertain no doubt of complete success at no distant time.

Immediately after your last meeting, brother Hamill, who was associated with brother Smith, in the mission, went out to Asbury,

and until brother Smith should arrive there, was put in charge of the Mission. He found the buildings to be by no means so advanced as we had expected. Some time previous to brother Hill's leaving the Mission place, to attend the Conference a year ago, several of the workmen were dismissed; and those who were continued at work up to the time of his departure, were, with one or two exceptions, very slothful. On brother Hill's leaving Asbury, and until brother Hamil's arrival there, (a period of one month,) almost nothing was done; and afterwards, the superintendent thought proper not to employ many hands; the experience of the first two months had proved that they could not be governed, and that they would mutually hinder each other. In these circumstances, our work could not progress rapidly, but under brother Hamil's industrious oversight, the dwelling house was made tenantable on the 4th of May, the day of brother Smith's arrival there.

We now were soon called to encounter difficulties, much more serious and severe than the worrying sloth of workmen, and all the temporal perplexities of so heavy an establishment could be. Our religious privileges were threatened, and the utmost care and ability of the Superintendent, could not secure to the Missionaries liberty to assemble and preach to the many blacks, and a few whites and Indians, who desired the benefit of public preaching.

Immediately after the appointment of the Missionaries at the last Conference, the Superintendent unreservedly disclosed to them what were his views, as to the most prudent, and, probably, successful course to be pursued in reference to this subject. At the beginning, he went to the Indians in the character of a *Minister*, sent to them by *Bishops* and a *Conference of Ministers*. Prior to any conversation with them on the subject of his mission, he preached before several of their people at the house of a white man in their Nation. And after his agreement with them, when he first pitched a tent among them, he daily observed the usual morning and evening devotions, and on the Sabbath day he preached to the workmen. He would have the resident Missionaries, also, never to lose sight of the great religious object of the Mission, and desired that they should on no account relinquish, nor seem to put off, their ministerial character. But at the same time, he suggested their probable neighborhood to those "*who choose darkness rather than light*," and who, to avoid being reproved by it, might secretly prejudice the Indians, and so frustrate our pious purposes. On this account, it was his advice, that, until the Missionaries should have acquired some consideration with the Indians, and could cause themselves to be understood to them, they should be as cautious in exercising the functions of the ministry as might consist with the maintaining of their proper character.

Previous to brother Smith's arrival at Asbury, brother Hamil, under the impression of this advice, seconded by his own observations at the place, thought proper to preach once or twice only, and without giving much publicity to his appointments. This course, brother Smith seems to have regarded as savoring too much of worldly prudence, or at best, as falling below the standard of apostolical

zeal and courage. In the evening of life, he could not contemplate the scene about him, so inviting of his labors, and content himself with tardy preparation for a future time. His gray hairs, but more his fervent charity, prompted him to an expedient, which, if it was not so safe, yet should rather be admired for its piety than censured for want of success. He applied to Little Prince, to know whether or not the having public worship at the mission house every Sabbath day, would offend him or his Nation, and on being assured that it would be inoffensive, he publicly announced that there would be preaching, and for several successive Sabbaths, did preach to considerable congregations.

Perhaps, in this instance, our excellent brother misplaced the point of danger. He felt himself safe in the permission of Little Prince, whereas it was always believed that the Indians themselves would not object against our preaching, unless at the instigation of others. But it must be allowed to have been no unreasonable expectation, that the positive permission of the first Chief of the Nation, would intimidate any who might choose to oppose, or, at least, would oblige a candid hearing, before an attempt against us should be allowed to interfere with our privileges. It may also be considered, that, up to this time, nothing had occurred to mark any individual as an enemy to the mission; and it was yet to be proved, whether the cautious advice of the Superintendent was founded on a sound discretion, or whether it did not rather proceed from a too suspicious anxiety.

Late in the month of May, and very soon after the Superintendent had been informed of the course then pursued at Asbury, he was told, by a very responsible gentleman, that, in a recent conversation with a certain individual of great influence over the Indians, it had been gravely asserted, that "*a special agreement existed between the Indians and us, against preaching in their Nation.*" The Superintendent was now on his way to Asbury. On arriving there, he was careful to know whether the invention of "*a special agreement,*" had yet been communicated to the Indians; whether they were offended at our public preaching; and whether or not some decisive measures could be taken to secure the Mission against the designs which he now apprehended this influential and so knowing person might cherish to its injury.

That the Indians were not yet informed of "*a special agreement against preaching,*" was probable, from the fact that its author had been for several months absent from the Nation: but it was more certainly ascertained, by the increased friendliness that was manifested, both to the Superintendent and the resident Missionaries, by the Indians generally, and their principal Chiefs in particular. In the mean time, the number of blacks who attended preaching; the affecting interest which they generally took in the sacred service; and there being several of them already awakened, and in deep concern for the salvation of their souls, rendered it impossible to retrace our steps, unless upon absolute necessity.

In this state of things, the only alternative was to persevere in our religious services, as though no evil were apprehended, or to apply

to the National Council for an explicit declaration of our rights, under the name of contradicting their reported aversion to our preaching. To the former of these, the Superintendent might have been inclined, but for the following reasons :

Although the most inquisitive watchfulness could detect no intimation against us among the Indians, the individual just alluded to, had been only one day in the neighborhood before it was said that he intended to put a stop to our preaching ; and on the next day the Superintendent obtained unquestionable evidence of his having bitterly and profanely sworn, that, either preaching should be discontinued, or the Missionaries driven out of the nation. As it could not be supposed that this man, (however lost to Christianity,) had no sense of character ; or that, along with his contempt of religion and the principles of free government, he could mistake the color of his own skin—it was concluded that he would not proceed openly to execute his threat, although he might secretly urge the Indians to do so. To prevent this, nothing appeared more likely than the contemplated declaration : And that such a declaration might be expected, was inferrible, not only from the general good disposition of the Indians, and the explicit permission of Little Prince, but also from the Big Warrior's unqualified approbation of the Missionaries and all their proceedings, in a free conversation with the Superintendent, only the evening before the subject was mentioned to the Council. This last circumstance quieted all apprehension. It was confidently believed that our swearing adversary had been too busy with other matters during the three or four days of his presence in the neighborhood, to instil the poison of his prejudice, or else, that he chose to postpone it until the Superintendent should be absent from the Mission.

Assured of the good will of the Chiefs, and regarding it impossible that a white man, of some pretension to character, should openly, and without a cloak, blaspheme religion, and oppose us in the right of the most reasonable and highest prized liberty of freemen, the Superintendent appeared before the council ; and after a satisfactory conversation relative to the Mission in general, he suggested the desired declaration. But how sadly was he disappointed ! Nothing could countervail the cruel rancor of a settled infidelity. He was interrupted, and could not obtain an interpretation to the Council, until after a sharp dispute, in which he was told to his teeth, that preaching would breed confusion and insubordination ! And was told this, with a voice, and countenance, and gestures, that put all argument to rest. Upon this, the Big Warrior objected against our preaching ; and after a fruitless effort to reason the Chief into a better mind, the Superintendent withdrew his proposal. This unhappy affair transpired the seventeenth day of June last.

Anticipating the probable discouragement which this sad occurrence would produce, and apprehensive of a fearful subtraction from the cent collections, the Superintendent, before he left the Council, gave them to understand how seriously the Big Warrior's objection would embarrass the Mission ; and that, on this account, much less than we had intended, might be expected from us.

Preaching was now entirely suspended : and that we might not be supposed indifferent to so severe a privation, several of our workmen were dismissed ; and the Mission altogether was put into such a state as to intimate its being in danger of total abandonment.

At as early a day as was convenient, a meeting of your committee was called : at which, after resolving that the committee had no authority to put a period to the mission ; and that, in hope of better circumstances, our best efforts should be used to support the establishment at Asbury—a letter was addressed to the principal Chiefs, proposing, that in consequence of the serious embarrassments now thrown upon us, and which must operate against our funds, the undertaking for a school at Tuccabatchee should be postponed until after your present meeting.

Whether Big Warrior construed the committee's letter into a first step towards our relinquishing Tuccabatchee, or whether, from some other cause, it was not long after this event, until an agreement was privately concluded with the Rev. Mr. Compere, of the Baptist Church, (in favor of whose Mission our Superintendent had used his best efforts with Big Warrior ; ) and the place at Tuccabatchee was transferred to the Baptist Missionary. Although the privacy with which this business was managed, under the circumstances then existing, may not appear to be very amiable, your committee do, by no means, regret the event. Both they and the Superintendent would have acquiesced cheerfully in the measure, if those concerned in it had thought proper to consult them. It will be recollected, that, at first, it was only in compliance with a request from Big Warrior, and to avoid offending him, that a school at Tuccabatchee was agreed for.

At Asbury, the check which was sustained by the event of the 17th June, was not suffered to arrest our efforts, beyond what the uncertainty of support in our novel circumstances, and the producing a suitable impression of our severe disappointment, were thought to require. As soon as the spirited resolutions of the committee were known, and increasingly with their good effect, the work was resumed ; and on the fifth day of August the school was opened. It began with twelve scholars ; and at the expiration of the first quarter, there were thirty-three Indian children at school. Of these, the greater number could spell in two syllables ; and there were three of them who could spell creditably in three syllables. Nor was their improvement in manners, cleanliness, and docility, less creditable than their rare advancement in learning to spell. That their number was not greater, did not proceed from any indisposition of the Indians to have their children instructed, but was solely owing to our restricted circumstances. Many applications were made, and some by persons from a distance ; but while, as yet, it could not be known how far the late disaster might reduce our funds, and because we were then paying fifteen dollars by the barrel for corn, we judged it proper to limit the number of pupils much below the demand for instruction, and our own wishes to impart it.

For the same reasons, brother Hamil chose to be employed on a

mission in the newly settled counties of Monroe and Houston, rather than to remain at Asbury—where, for the present, brother and sister Smith were thought to be adequate to the duties of the school. His choice of employment was approved ; and the result has been altogether happy. He returns seventy-five members of the church, in his mission.

During the second three months of our school, every thing there has been progressively improving. The school has gradually been increased to fifty-five scholars. Some of the children are beginning to read. They are generally more attentive to school than was expected ; are easily governed ; and appear to be affectionately attached to their instructors. But what we esteem the best of all is, that several of these children give lively evidences of their being under gracious impressions. In the devotions of the family, they have frequently been much affected ; and several times, have continued two or three hours together, weeping and praying to God. They are remarkable for their care to avoid whatever they know to be sinful ; they retire, of their own accord, daily, for secret prayer ; and they lose no opportunity to be instructed in the religion of the Gospel.

Your committee beg leave to call your attention to the pecuniary interests of the mission. The expenditure for the year now closed, may exhibit a larger amount than has been expected ; but this amount may not be considered as an average for future years. Our buildings have cost a great deal ; and, erected under the most unfavorable circumstances, the cost of these has been, indeed, excessive. We were, also, obliged to give an extra price for provisions ; which, if laid up at the proper time, (as now has been done for the ensuing year,) would have cost the mission much less.

Your Committee forbear to add more. May He who has called the persecuted happy, enable your faith and patience ; and subdue speedily the worst calamities of the mission, into a “working together for good,” to the praise of his grace, and the furtherance of his blessed cause among men.

**WILLIAM CAPERS,**  
*Chairman Missionary Committee.*

P. S. The Committee very much regret that it is not in their power to state accurately, (and therefore they do not report at all,) the quantity of clothes that have been furnished by Ladies' Societies to our mission school. This defect in the report has been occasioned by the impracticability of having the clothes carried, in large parcels, to the mission place ; and there not being, in a single box, such an assortment as to meet the demands of the school ; so that our Agents in Milledgeville, with whom the clothes were deposited, could not serve the orders of the Missionaries without opening a number of boxes. In this way the bills were mislaid, and the clothes intermixed, before our wish to make a distinct report of them was known.

The Committee thankfully acknowledge their obligations to the ladies for their very valuable and generous assistance ; and beg their continued countenance and aid.

W. C. *Chairman Miss. Com.*

*Money received on account of the Mission at Asbury, for the year ending February 20, 1823.*

|   |            |
|---|------------|
| By balance on account from last year,   | \$1,748 40 |
| Collections by the Superintendent of the Mission  | 2,205 58   |
| Cash from the Missionary Society of the Methodist Episcopal Church  | 500        |
| Cash from the Missionary Society of the Methodist Episcopal Church within the bounds of the Philadelphia Conference | 200        |
| Cash from Ladies' Missionary Society at Fayetteville, N. C.   | 32 15      |
| Do. from Ladies' Benevolent Society of Cambridge, S. C.   | 10         |
| Do. from Ladies' Mission School Society of Georgetown, S. C.  | 8 62       |
| Do. from Ladies' Mission School Society of Augusta, Geo.  | 183 31     |
| Do. from Ladies' Mission School Society of Charleston, S. C.  | 67         |
| Do. from Ladies' Charitable Society of Union Academy, Putnam Co. Geo.   | 15         |

*Donations forwarded to the Treasurer of the Missionary Committee.*

|  |      |
|--|------|
| By cash from Rev. Lewis Myers            | \$ 2 |
| Do. persons in Augusta, unknown          | 7 50 |
| Do. Daniel Bird, Esq.                    | 1    |
| Do. Mrs. Nancy Mason                     | 50   |
| Do. Michael Blackwell, Esq.              | 5    |
| Do. Captain Charles Lesseane             | 5    |
| Do. Richard Bradford, Esq.               | 3    |
| Do. Charles Spann, Esq.                  | 3    |
| Do. Hartwell Macon, Esq.                 | 2    |
| Do. William Brunson, Esq.                | 1    |
| Do. Mr. William Lewis                    | 1    |
| Do. Mr. Michael S. Blackwell             | 1    |
| Do. Mr. Russell Spann                    | 1    |
| Do. Persons in Ochoopee County, unknown  | 5 75 |
| Do. Persons in Georgetown, S. C. unknown | 7 50 |
| Do. Persons in Charleston, S. C. unknown | 2    |
| Do. Persons in Columbia, S. C. unknown   | 3 50 |

N. B. For individual donations to the Mission, through the Rev. Mr. Cooper, see pages 41, 42.

*By the Cent Collections on the Circuits, as follows:.*

| NAMES OF CIRCUITS.             | PREACHERS.                      | NO. OF PERSONS CONTRIBUTING. |       |
|--------------------------------|---------------------------------|------------------------------|-------|
| Appalachee.                    | W. C. Hill, A Ray               | 240                          | 119   |
| Broad river.                   | R. L. Edwards, H. W. Ledbetter  | 50                           | 24 26 |
| Grove.                         | J. B. Chappel, J. H. Robertson. |                              |       |
| Alcovia.                       | James Bellah, R. Tucker         | 84                           | 42    |
| Sparta.                        | T. Samford, W. Parks            | 17                           | 8 62  |
| Cedar creek and Milledgeville. | J. Sinclair, J. Bigby           | 190                          | 40 07 |
| Washington.                    | J. H. Tradewell                 | 60                           | 29 75 |
| Ocmulgee.                      | J. Dunwoody                     | 48                           | 24    |
| Little Ocmulgee.               | N. Rhodes                       | 1                            | 50    |
| Ochoopee.                      | T. L. Winn, P. L. Wade          | 34                           | 17    |
| Appling.                       | Jeremiah Freeman.               |                              |       |
| Satilla.                       | A. Purifoy                      | 39                           | 17 50 |
| St. Mary's and Amelia.         | Elijah Sinclair                 | 1                            | 50    |
| Augusta.                       | J. Howard                       | 60                           | 32 50 |
| Washington (town.)             | T. Darley.                      |                              |       |
| Louisville.                    | C. G. Hill                      |                              |       |
| Warren.                        | J. B. Turner, N. Laney          | 76                           | 38    |
| Little river.                  | D. Garrison, J. N. Glenn        | 11                           | 5 50  |
| Saluda.                        | Bond English                    | 58                           | 29    |

|   |     |                    |
|---|-----|--------------------|
| Abbeville. B. Smith, A. P. Manley                     | 20  | 10                 |
| Koewee. J. Dannelly                                   | 34  | 16 40              |
| Savannah. J. O. Andrew, G. White                      | 65  | 37 45              |
| Charleston. J. Norton, D. Hall, J. Evans, R. Flournoy | 220 | 112 12             |
| Black Swamp. D. G. McDaniel                           | 30  | 15                 |
| Cypreas. J. L. Greaves, H. Seagrist                   | 37  | 18 50              |
| Orangeburg. R. Adams, J. Reynolds                     | 98  | 49                 |
| Congaree. M. Raiford                                  | 80  | 40                 |
| Cooper river. E. J. Fitzgerald                        | 142 | 82                 |
| Columbia. T. Snead                                    | 41  | 20 50              |
| Camden. N. Talley                                     | 67  | 33 50              |
| Santee. T. Mabrey                                     | 86  | 38 40              |
| Wataree. T. Owen                                      | 40  | 20                 |
| Sandy river. E. Calloway, J. Freeman                  | 220 | 109 31             |
| Newberry. J. Murrow, M. McPherson                     | 26  | 13                 |
| Enoree. J. Taylor, E. Sinclair                        | 189 | 92 37              |
| Reedy river. Z. Dowling, M. Westmoreland              | 57  | 29 45              |
| Georgetown. Asbury Morgan                             | 85  | 42 50              |
| Black river. William Kennedy                          | 37  | 18 75              |
| Lynche's creek. Nicholas Ware                         | 10  | 5                  |
| Little Pee Dee. J. W. Norton, M. Turrentine.          |     |                    |
| Brunswick. W. Hankins, D. Riley.                      |     |                    |
| Bladen. Charles Betts                                 | 36  | 18                 |
| Fayetteville. Samuel Dunwoody.                        |     |                    |
| Wilmington. George Hill                               | 92  | 48                 |
| Montgomery. William Knight.                           |     |                    |
| Rocky river. J. Boswell, J. Covington.                |     |                    |
| Sugar creek. Thomas A. Rosamond                       | 12  | 6                  |
| Lincoln. D. Asbury, A. Norman                         | 19  | 9 50               |
| Union. J. Mullinix, J. Richardson                     | 11  | 5 68               |
| French Broad. Benjamin Rhodes                         | 49  | 24 60              |
| Black Mountain. Wiley Warwick                         | 12  | 6                  |
| Morganton. John L. Jerry                              | 10  | 5                  |
| Amount  |     | <u>\$ 6,374 04</u> |

*Moneys expended on account of the Mission at Asbury, for the year ending Feb. 20, 1823.*

|   |  |                    |
|---|--|--------------------|
| To cash forwarded at different times to the mission, as on the books; and applied in erecting the buildings, and supporting the school, as is there shown |  | \$ 3,368 84        |
| Do. To allowance of brother and sister Smith and Son  |  | 224                |
| Do. do. brother Hamil, two quarters   |  | 50                 |
| Do. To Heriot and Waterman for printing the first Report  |  | 59 50              |
| Do. To Jacob Choat, balance of his account  |  | 22 38              |
| Do. To William Flewellen, for hire of servants at Asbury  |  | 120                |
| Do. To J. Airy for articles furnished to the mission  |  | 2 87               |
| Do. To Mr. Hannon for printing circulars  |  | 20                 |
| Do. To Messrs. Camak & Hines for printing school lessons  |  | 2                  |
| Do. To Messrs. Foard & Malone—articles furnished the mission  |  | 20                 |
| Do. To allowance of brother and sister Capers, and three children   |  | 256                |
| Do. To board of brother and sister Capers and three children  |  | 350                |
| Do. To travelling expenses of brother Capers  |  | 236 62             |
| Amount  |  | <u>4,732 21</u>    |
| Balance in hand   |  | <u>1,641 83</u>    |
|   |  | <u>\$ 6,374 04</u> |



*In account of the Collections made, and paid over to the Missionary Committee, by the  
Rev. WILLIAM CAPERS, (Superintendent of the Mission at Asbury,) for the year ending  
February 20, 1825.*

|                                       |          |                                      |          |
|---------------------------------------|----------|--------------------------------------|----------|
| Donation by Rev. J. Norton            | - \$5    | Donation by Mrs. Harris              | - 50     |
| Do Mr. Moses Miller                   | - 5      | Public collec. at Centre Meeting H.  | 23 50    |
| Do Mr. William Smith                  | - 1      | Do at Lexington, Geo.                | 15       |
| Do Mr. McCullough                     | - 1      | Donation by Mrs. Grieve              | - 3      |
| Public collec. at Georgetown, S. C.   | 59 43    | Do Mrs. McHenry                      | - 5      |
| Donation by Benj. Gause, Esq.         | - 1      | Do Miller Grieve, Esq.               | - 2      |
| Public collection at Horeb M. House   | 8 48     | Do Mr. Alexander                     | - 1      |
| Do Presbyterian church,               |          | Public collection at Prospect M. H.  | 3 66     |
| Wilmington, N. C.                     | 62 25    | Do at Mount Zion M. H.               | 17 37    |
| Do Methodist ch. do                   | 43 25    | Do at Petersburg, Geo.               | 6 87     |
| Donation by Betty Hazell              | - 2      | Do at Mt. Garrison M. H.             | 83 47    |
| Do Mrs. Waters                        | - 2      | Do at the Rock M. House              | 17 18    |
| Do Mr. Young                          | - 1      | Donation by Mrs. McGee               | - 2      |
| Do Several persons at Wey-            |          | Do Mrs. McMillan                     | - 1      |
| man creek                             | - 2 65   | Public col. at Abbeville c. h. S. C. | 19 06    |
| Public collection at Carver's Creek   | 7 97     | Do at the Swamp M. House             | 10 91    |
| Do at Rebooth M. House                | 7 23     | Do at a Camp meeting in              |          |
| Do at Miller's M. House               | 2 99     | Warren county, Geo.                  | - 70 14  |
| Do at Fayetteville, N. C.             | 46 24    | Donation by Mr. Johnson              | - 50     |
| Donation by Mr. W. Davis              | - 25     | Public collection at Bonner's M. H.  | 5 83     |
| Do Mr. Russell and family             | 70       | Do at a Camp meeting in              |          |
| Do Mr. Alex. Rowland                  | 1        | Abbeville District, S. C.            | - 74 63  |
| Public collection at Lumberton, N. C. | 4 34     | Donation by Major Powers             | - 1      |
| Do at Drake's M. House                | 6 90     | Public collection at a Camp meeting  |          |
| Donation by several persons at Li-    |          | in Sumter District                   | 23 87    |
| berthy Chapel                         | - 2 58   | Do at a Camp meeting in              |          |
| Public collect. Beauty Spot, S. C.    | 51 18    | Richmond county, Geo.                | - 83 11  |
| Donation by Mr. Seale                 | - 2 10   | Donation by Mrs. Anciaux             | - 80     |
| Do by L. & D. Quick, and another      | 62       | Public collec. at White Oak M. H.    | 12 92    |
| Public collec. Rockingham, N. C.      | 21 39    | Do at Washington, Geo.               | 37 62    |
| Donation by Mr. A. Nicholson          | 60       | Do at Salem                          | - 34 85  |
| Do by Mr. J. Campbell                 | - 75     | Do at Madison                        | - 20 26  |
| Public col. at New Hope M. House      | 26 10    | Do at Harmony M. House               | 9 37     |
| Do at Chesterfield c. h. S. C.        | 11 77    | Do at Ware's Meet. House             | 14 92    |
| Do at Cheraw, So. Carolina            | 34 43    | Do at Postoak M. House               | 23 36    |
| Donation by Mrs. Cotton               | - 2      | Donation by Dr. H. Branham           | - 5      |
| Do by Mr. J. McLelland                | 9        | Public collection at Eatonton        | - 48 23  |
| Public collec. at Society Hill, S. C. | 28 17    | Donation by Mrs. Branham, sen.       | - 1      |
| Donation by Miss Taylor               | - 1      | Do Mr. Hudson                        | - 2      |
| Public collec. at Darlington c. h.    | 29       | Do Mr. Nesbit                        | - 1 50   |
| Donation by the Hon. Jas. Ervin       | 5        | Public collection at Concord M. H.   | 10 43    |
| Do by Mr. Samuel Bacot                | - 1      | Do at Tabernacle M. H.               | 23 17    |
| Public collection at Camden, S. C.    | 53 06    | Do at Greene's M. House              | 18 23    |
| Donation by Daniel Grant, Esq.        | 5        | Do at Hopewell M. House              | 13 06    |
| Public collec. at Greensboro', Geo.   | 75 53    | Do at Liberty Chapel Geo.            | 17 75    |
| Donation by Mrs. Mattox               | - 50     | Do at White Plains                   | - 17 55  |
| Do Thomas Grant, jr.                  | - 3      | Do at Powelton, Geo.                 | - 24 92  |
| Do Miss Barnett                       | - 37     | Do at Rembert's M. H. S. C.          | 6 47     |
| Do Mrs. Grimes                        | - 50     | Do at Augusta, Geo.                  | - 80 62  |
| Do Mrs. Scott                         | - 87     | Do at Clinton                        | - 26 31  |
| Donation by Francis Jeter, Esq.       | 10       | Do at Milledgeville                  | - 65 10  |
| Public collection at Camp Meeting     |          | Do at Waynesboro',                   | - 13 65  |
| in Greene county                      | - 50 07  | Do at Louisville                     | - 11 22  |
| Donation by Rev. Rich. M'Allister     | 6        | Do at Sandersville                   | - 11 06  |
| Do Mrs. Johnson                       | - 50     | Do at Sparta                         | - 34 75  |
| Public collection at a Camp Meet-     |          | Do at Warrenton                      | - 6 27   |
| ing in Putnam county                  | - 116 27 | Do at Savannah                       | - 101 28 |
| Donation by Mr. C. B. Marshall        | 50       | Donation by a person unknown         | 10       |
| Do Mr. J. Hunt                        | - 50     | Public collections in Charleston     | 69 10    |
| Do Mr. D. Clemens                     | - 50     | Do at Coosawhatchie                  | 34 40    |

## ACCOUNT—Continued.

|   |   |  |    |
|---|---|--|----|
| Donation, by persons unknown,<br>through Rev. J. Travis | 2 | Donation, by persons unknown,<br>through Rev. Dr. Palmer | 10 |
|   |   | \$2,205 58   |    |

N. B. For the sums contributed to the Mission, by charitable Societies, see page 39.

## Accompaniment—No. 2.

*Mr. Webb to the Rev. Mr. Capers.*

CLINTON, 25th Nov. 1823.

DEAR SIR: In compliance with your request that I should communicate to you the observations made in my presence by the Hon. John Crowell, Agent for Indian Affairs in the Creek Nation, on the subject of the mission then recently established in that nation by the Methodist Society, I have to state, that I was in company with Col. Crowell, and some other gentlemen, at Fort Mitchell, near the Chatahoochie river, some time in the month of June, 1822, and during a general conversation which was supported by the company, to some particular inquiry which was made relative to the prospects of the mission, and the probability there was of its doing good, Col. Crowell observed, that the school might do good, provided it was not spoiled or destroyed by preaching; but it was perfect nonsense to talk of preaching to a parcel of uninformed savages; and that he was surprised that men of sense should even think of such a thing. He further observed, that a stop must be put to the preaching; and if it was not done, the whole set would be driven or ordered out of the nation; for such proceedings would not be tolerated.

I do not recollect to have heard Col. Crowell state, in that conversation, from what source the objection to preaching came, but, in a subsequent conversation which he had in my presence during the same visit, and a few days after the one just mentioned, he did observe, that the Indians objected to preaching in the nation, and that the Big Warrior was particularly hostile to it.

In closing this communication, permit me to observe, that this statement could not have been elicited from me but by a direct appeal made to me on the subject, and the importance which you seem to attach to it; for, although the observations were made in the presence of many gentlemen, and could not have been intended in any respect as confidential to me, as I was at that time an entire stranger to Colonel Crowell, yet I hold in such utter abhorrence any communication which, by any possibility, might tend to the destruction of personal harmony between individuals, that I should never have said any thing to you on the subject, had not the Rev. Mr. Compere, who was also present at the time, given you the information, and referred you to me in support of his statement. If this statement corresponds with the

one made to you by Mr. Compere, his recollection and mine agrees; if it does not, I have to observe, that this contains the purport of Col. Orowell's observations on that subject, according to my best recollection, and if you consider it necessary, I am willing to give to it the additional validity of an oath.

I am, dear Sir, &c.

JAMES WEBB.

The Rev. WM. CAPERS.

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Accompaniment—No. 3.

*Rev. A. Hamill to Rev. W. Capers.*

YELLOW RIVER MISSION, Georgia.

MY DEAR BROTHER : I reached my station in due time, and am now on my appointments. A considerable portion of the country which I occupy lies in the neighborhood of the red men, and I find the school is, in general, very popular among them, as the following circumstance will show.

Yesterday I fell in company with the public interpreter, Samuel Hawkins, and, after some conversation, I inquired whether or not he knew how the school prospered, and how the Indians were pleased with it. He replied, that the Indians were generally well pleased with it; and that General McIntosh and himself wished a school in the upper part of the nation, where they lived. This he said before he knew who I was. After which, he observed, the General and himself had been conversing on the subject a day or two before, and had determined to apply to you for a school. "True," said he, "we at first agreed with Mr. Capers for only two schools, and supposed that would do, until we knew how they would succeed; but we are now so well pleased, that we want at least one more." He referred to the conduct of the last council, saying "Some of our old men would not have preaching, but" said he, "I think the missionaries ought to preach to the children, as well as teach them to read and write." He went on to give some reasons why the red men would not suffer you to introduce agriculture and mechanics; but said that if they could get a school, they would let you preach, and learn the children to work also. The lands, he says, are good: provisions plenty and cheap. You will observe in the above remarks, that *you* are the person of whom he principally speaks, and who is recognised by them as having the superintendence of the school now in operation, and of all that may in future be established among them. Hawkins wished to know of me whether or not I should see you soon. I told him I supposed not. He then requested me to give you information by letter, and wished you to let them know whether you could establish a school among them or not. A few lines addressed to Gen. McIntosh would answer the purpose. Should you think proper to write, you can send it to Monticello by mail, directed to my care. I could convey it on.

I make the above communication in compliance with Hawkins' request. If it should be of any use, I will be gratified; if not I shall be clear.

Perhaps the Lord is about to open a great and effectual door among these sons of the forest. A few words more, and I am done. If convenient, might it not be well for you to be present at the meeting of the council? I believe some of the chiefs would be gratified, and I think your feelings would be different from what they were the 17th June last.

A letter from you would be gratifying to the writer of this.

A. HAMILL.

P. S. I think the expense of a school in the upper part of the nation, would be trifling, compared with the one now in operation. If you could give them any encouragement to hope for an establishment, even at some future day, perhaps it might satisfy them.

March 25, 1823.

A. H.

*Copy of a note endorsed on the original letter by the Rev. W. Capers.*

Steven Hawkins, mentioned in this letter, is son-in-law to the chief, Gon. McIntosh, and lives in the General's neighborhood—in himself a lesser chief.

W. C.

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Accompaniment—No. 4.

*Rev. Wm. Capers to Col. Crowell.*

MILLEDGEVILLE, May 22, 1823.

SIR : I had intended being present at the Indian Council, and expected, there or at the Agency, to have conversed with you on the subject of our charitable intentions towards that people; but the ill health of my son prevents me.

I am sorry to be obliged to announce to you, that unless something can be done to recover the religious liberty of our missionaries, *shortly*, there is little prospect that we shall be able to extend any further the benefit of schools to the Creek Nation. And, indeed, the probability goes farther—that even the establishment we have already set up, will linger for support. At the last Annual Conference it required my best efforts, with the aid of Brother Smith, to persuade the preachers, generally, to continue their patronage; and this could by no means have been accomplished, but for the expectation that the known benevolence of our institution, and worthy character of our missionaries, would, upon a little farther acquaintance, produce a proper effect.

If the present state of things should unhappily continue until another conference, it will not surprise me if the whole support of the

establishment now set up, be given to another object. Our people are not used to give much care to a circuitous prosecution of a religious object; and we have great demands made upon us at home, and in the Floridas, as well as among other tribes of Indians, who manifest no disposition to restrict our religious liberties. This is an instance which has neither example nor counterpart, among any people, to whom the charities of Christianity have been extended.

You are not a stranger, Colonel, to the interest I feel in the continuance and support of our efforts for the Creek Indians. You know something of the labors and privations I have cheerfully, and even gladly, endured, to serve them; and you will appreciate the assurance I now make to you, that this communication had not been made by me, if necessity required it not.

With due consideration,

Your obedient humble servant,

WM. CAPERS,

*Superintendent Creek Mission*

Colonel JOHN CROWELL.

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Accompaniment—No. 5.

*Rev. Isaac Smith to Rev. Wm. Capers.*

ASBURY SCHOOL, FORT MITCHELL,

*20th September, 1823.*

DEAR BROTHER: As you are shortly to meet, to take into consideration the state of this mission, that you may have it in your power to form as just and correct a judgment of the present state, as existing circumstances will admit of, at the request of the Superintendent I now state to you what I know and believe. When I first came to the station, the 4th of May, 1822, I shortly appointed preaching at the mission house, by the consent of the Little Prince. The Agent at that time was away, not having returned from Congress. Immediately after his return, I was told that we would not be allowed the liberty of preaching in the nation. At the sitting of the Council, in June following, Brother Capers, supposing the report to be without foundation, applied to the Chiefs to contradict it: the altercation that took place at that time, he will inform you. After the breaking up of the Council, I had frequent talk with the Agent, who advised me to go on with the school; he said he had no doubt but after one or two years we should have liberty to preach. From his conversation I concluded that he would use his influence to get us the privilege we wanted. We went on with our school, hoping that at the next Council, which sat last May, we should be at liberty to hold meetings. The disposition of several of the chiefs appeared friendly towards our mission. At the sitting of the Council I received a letter from the Superintendent, with a letter for the Agent, and one for Gen. McIn-

tosh. He stated in his letter to me the subject he had wrote to them on. I went immediately to the Agent, and delivered his letter. We had some conversation on the subject. I then stated to him my desire of obtaining his influence among the chiefs. He replied, that he did not doubt but that, if he applied, they would grant his request, and blame him afterwards. A few more words passed, which left me under the impression that he would not do any thing for us. Shortly after, I saw him at the Council Square; he asked me if I had given General McIntosh his letter, and what he said. I informed him that I gave the letter to the General. in company, which prevented me from saying any thing to him, or he to me. I then observed to the Agent, that I considered his influence more than I did the influence of many others; he replied, (as I thought not well pleased at my speaking to him again,) that he was not going to use his influence. I concluded it best to say no more to him, or to any of the chiefs, whom I believed would be influenced by the Agent, so far as not to admit us as ministers unless we were recommended by him. It is a subject of weight on my mind, to see these people deprived of the means of salvation, through the influence of those that our Government sends to open the way for their instruction. That God will direct you in all your councils, and that infinite wisdom may instruct and order all your proceedings, is the prayer of your brother in Christ.

ISAAC SMITH.

The above statement I believe to be correct, and, if required, I am willing to be qualified to it.

I. SMITH.

Rev. WM. CAPERS.

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No. 2.

*Reverend William Capers to Secretary of War.*

MILLEDGEVILLE, January 9, 1824.

SIR: Along with the memorial and other papers forwarded to you, I beg leave to address you this note.

The length of time which has elapsed since the conversation between the United States' Agent for the Creek Indians, and others, at Fort Mitchell, in June, 1822, may very probably, to one not interested, prevent a precise remembrance of the words which were spoken. Perhaps, too, in the matter now submitted, the doctrine of mercy and good feeling may not be viewed by the amiable Mr. Webb as dictating the same course which to my mind it does. That gentleman may very virtuously prefer to say no more than he should be positively obliged to say, against an individual; while I regard it due to the *many* who are deeply interested in the fate of the mission, to exhibit a faithful and thorough disclosure of that individual's conduct. At any rate, I am not quite satisfied with Mr. Webb's letter. I did in-

tend to propose certain interrogatories to him, which might render his testimony more full; but, upon reflection, I conclude to submit it as it is; choosing to leave with you to determine in what respects the evidence may be inconclusive.

Perhaps, also, the Reverend Mr. Compere might answer to interrogatories put to him at your order, with more safety than he could make a voluntary communication.

I have said in the memorial, that we never sought after objections against the Agent. I must here add, that we might probably have been informed of his conduct towards us in the secret conference which he held with the principal Chiefs, in May last, by General M'Intosh, or Little Prince; but we have referred to neither of them. Between M'Intosh and the Agent, it is well known, there has been a serious dispute; and to have gone to M'Intosh's, which is fifty miles from our mission place, might itself have given umbrage; while the proximity of Little Prince could avail us nothing, in a conversation which might reach the Agent as conveniently as it could be uttered.

There is a subject which I had intended not to notice to the President, but which I find cannot be left out of view without veiling some part of the memorial. Why should a dispute between the Agent and M'Intosh attach Big Warrior to the former? And why should Big Warrior, even before this dispute, be more the Agent's friend than M'Intosh? Perhaps you may have heard that, for some [time] past, there has been much ill feeling between these two Chiefs. M'Intosh's popularity, it is said, has been a wound to Big Warrior; and Big Warrior's influence formidable to M'Intosh. Now it is notorious that Big Warrior's interests lie quite out of the way of the Agent; while M'Intosh and his son may, perhaps, regard the store and tavern of the Agent, or his brother, as taking away a large income from them. Hence, any difference between the Agent and M'Intosh may be agreeable to Big Warrior, by gratifying his ambition; and the disagreement between the two Chiefs may not be discouraged by the Agent, because it might bring the influence of Big Warrior to support the store and tavern establishments, near Fort Mitchell. That this is positively so, I do not affirm, but it agrees with what I have heard; and is probable enough, in my opinion, to justify the remarks in the memorial.

Presuming on your recollection, I have not made any references in the postscript of the memorial. I beg leave now to say, that Mr. Hayne, of the Senate, or Mr. Mitchell, of the House of Representatives, in Congress, are probably able to answer any inquiries which may be judged proper. I also refer to General Thompson, a Representative of this State.

After the present month, I will probably be in Charleston, South Carolina, until the first of March. I will be glad to obey your wishes.

With great respect, your obedient servant,

WILLIAM CAPERS.

The Honorable JOHN C. CALHOUN.

## No. 3.

*Colonel J. Crowell's defence against charges made against him by the  
Rev. Wm. Capers and Governor Troup, of Georgia.*

WASHINGTON CITY,

March 18, 1824.

SIR: Your letter, of the twenty-fifth February, communicating the charges preferred against me by the Reverend Mr. Capers, Superintendent of the Creek Mission, as well as a letter from Governor Troup, of Georgia, complaining of my having interfered in the politics of the State over which he presides, has been received.

In my reply to the charges of Mr. Capers, I deem it unnecessary to follow the memorial in all its details; I shall therefore confine my remarks to the most material charges therein contained.

In the Summer or Fall of 1821, while I was absent on business connected with my office, as well as of a private nature, Mr. Capers, with some other member of his church, visited the Creek nation, with a view of obtaining from the Chiefs permission to establish schools among them. The Chiefs with whom he conversed in relation to it, however, told him that no arrangement could be made, or agreement entered into, on the subject, in the absence of the Agent, nor without the approbation of the National Council. Mr. Capers then left the Nation, leaving a letter for me, stating the object of his visit. Shortly after my return, I with much pleasure answered his letter, apprizing him of the time and place of holding the next National Council. At the Council Mr. Capers attended; and in every conversation with him on the subject of his mission, I endeavored to convince him of the hostility and prejudices of the Indians against all such establishments, and urged upon him the propriety of yielding, as much as possible, with the hope that the establishment, if once put into operation, with proper management might overcome prejudices, and reconcile them to things which, at this stage of mental improvement, their feelings and prejudices revolted at.

It was with some difficulty that I prevailed upon the Chiefs to hear his proposals, observing that they had consented for me to procure for them a schoolmaster, and they understood this man was a missionary. I insisted on their hearing his terms, before they condemned him, which they finally did; which were presented in writing, and explained to the Chiefs, when many of the articles were objected to by the Indians. Mr. Capers then agreed, and did the next day present another instrument, leaving out the most objectionable features. The Council, apprehensive that this instrument might not be entirely clear of fault, or that it might be susceptible of a different construction from what they understood, required the insertion of an article, which authorized the Agent, at any time upon it being required of him, to remove the establishment from the Nation. Pending the negotiation, and about the close of it, Big Warrior inquired of Mr. Capers if he intended to preach; to which Mr. Capers replied, that he wished to do so, and that the society to which he belonged also wished and expected it. Big Warrior said he could not consent to it; that other missionaries had made the same application, and had been



refused. Mr. Capers, finding that he could not remove the objections of the Chief to preaching, then observed, that he would not do any thing contrary to the wishes of the nation; if he did, the Agent was authorized, by an article in the instrument just offered, to remove them from the nation. During the conversation I was perfectly silent, except when appealed to by one of the parties. This, I think, is the substance of what passed at this meeting, between Mr. Capers and the Council.

I am constrained, from a sense of justice to my own feelings, to make this statement of facts in reply to the assertion of Mr. Capers, "that not one word was spoken about preaching." In corroboration of this statement, allow me to refer you to the fifth paragraph of the memorial, which states, "when Mr. Smith, who had been appointed with Mr. Hamill, arrived there, and found that a congregation of from fifty to seventy could be had, who understood our language, he applied to Little Prince to know whether the having public worship every Lord's day would be offensive." Now, I would ask, why make this application to Little Prince, if no objection had been made to preaching; or if, as stated by Mr. Capers, that not one word had been said on the subject? Was it because Big Warrior, who made the objections to preaching, resided at a considerable distance from the mission house, and they determined to avail themselves of that circumstance to reconcile the Little Prince, who resided in their immediate neighborhood, and by that means cause a division between the two head Chiefs, with the hope of silencing the opposition of Big Warrior, at the hazard of every thing like harmony and good feeling in the Council? Will not the conduct of these men, in this affair, justify the conclusion, that they were determined by some means or other to obtain their object, regardless of the consequence that might result from it?

The statement made by Mr. Compere, that I would drive the missionaries out of the nation, if they did not desist from preaching, is false. Whenever I have made any remarks upon that subject, they were made in reference to what the Indians would do, and not that I would, of my own accord, drive them out: a reference to the letter of Mr. Webb, on that subject, will, I flatter myself, satisfy you of the incorrectness of Mr. Compere's statement.

It is quite probable, and I am willing to admit that I did say, as related by Mr. Webb, that preaching was fudge. I have on more than one occasion made the same remark, and in presence of Mr. Capers, but it was made when speaking on the subject of preaching in the Creek nation; and I appeal to his candor, to say whether the remark was not made in reference to the effect likely to be produced by preaching to uninformed savages, who neither understood their language, nor believed in the truth of their doctrines.

I have likewise said to Mr. Capers, and others, that it was my opinion, that the only means by which these people could be christianized, was by making an impression upon the rising generation by means of education, and that I viewed any attempt to effect a change upon the old Indians as labor in vain.

The reason given by Mr. Capers for not obtaining the evidence of Mr. Compere, in support of his *naked* statement, is not, I conceive, a very substantial one. Would it not have been more candid and magnanimous in him, to have stated what was evidently the fact, that the letter of Mr. Webb, the gentleman to whom Mr. Compere referred him for the truth of his statement, contradicts it in the most material points; or, at all events, Mr. Webb did not hear me use the expressions attributed to me by Mr. Compere. At a meeting of the Chiefs, in June, 1822, Mr. Capers attended, and stated to them that some mischievous person had put an idle rumor in circulation, that the Chiefs had objected to their preaching, and desired that they would make a declaration that they should not be prevented from worshipping God according to the dictates of their conscience. Before this was interpreted to the Chiefs, and believing Mr. Capers had allusion to me, I did remark to him, with some warmth, that the rumor was not an idle one; that it was a fact, and I had mentioned it as such; and I was astonished, as well as mortified, to hear him make this illiberal statement, as he could not have forgotten the verbal understanding between himself and the Chiefs on that subject. You will observe that Mr. Capers was endeavoring to make it appear that I had circulated a falsehood, which produced the sharp reply from me to him. None of this altercation, however, was interpreted or understood by the Indians, it could not therefore have influenced them in their answer to Mr. Capers on the subject of preaching. That I refused to have interpreted what Mr. Capers said, or wished to communicate to the Chiefs, on this or any other occasion, is *untrue*; for as soon as our short altercation was over, the interpreter, agreeable to my direction, did interpret and explain to the Chiefs, every thing which Mr. Capers required him to communicate. That I objected in the council to the Missionaries being allowed the liberty of preaching, and used the words attributed to me in the memorial on that occasion, I do declare to be false. After the communications of Mr. Capers had been explained to the Chiefs, they, without hesitation, declared that they would not allow him to preach, reminding him of his having violated the verbal agreement, or understanding, which existed between them in relation to preaching. Mr. Capers then observed that he was apprehensive his religious brethren would not continue their contributions for the support of the School, unless the Missionaries were allowed to preach, to which Little Prince replied, they were at liberty to leave the Nation whenever they thought proper, and unless they were disposed to continue the School, without preaching, they should leave the country.

This is the same chief, who Mr. Capers states gave Mr. Smith permission to preach; finding every effort to remove their objections to preaching had failed, Mr. Capers then demanded it as a matter of right, guaranteed to every citizen by the Constitution of the United States, to worship God according to the dictates of his conscience. To this, the Big Warrior replied with great warmth, that his suspicions were about to be confirmed; that notwithstanding the many good things that were promised in the outset, they had hardly finished

their house, before they had changed their tone, from asking for privileges, to demanding them as a right, and told Mr. Capers that he did not think the Constitution of the United had any reference to the Creek Indians in that particular, and that he should not permit him to preach.

The Memorialist asks, "Why have they provoked my enmity?" "Is he an unbeliever in the truth of Christianity?" "or is it because our preaching in the neighbourhood might injure some interest in the Store at Fort Mitchell?" In answer to the first interrogatory, I take much pleasure in stating that they have not provoked my hostility to the cause of Christianity, a cause, for which I have ever entertained the highest respect and veneration, or to the legitimate and practicable objects of the Mission; neither can they—and, as regards the second, I am not aware that Mr. Capers is clothed with any powers which imperatively bind me to adopt him as my father Confessor—a confession thus extorted might have too much the appearance of inquisitorial coercion. I have been taught to believe that the Government under which we live, guaranties to every free man, the inestimable privilege of worshipping God according to the dictates of his conscience.

In answer to the third interrogatory, I regret the necessity of repelling, with scorn and indignation, the illiberal insinuation that I am interested in the store at Fort Mitchell. I defy Mr. Capers, or any other man, to put his finger on a single official act of mine, that would justify any honest man in believing that I had any interest in that, or any other mercantile establishment, either in or out of the Creek Nation; and I declare all such charges to be utterly destitute of truth.

In reply to the statement of Mr. Capers, that I held a private talk with the Indians in my house, I have to remark, that it is usual, after the adjournment of a council, for some of the head chiefs to spend a day or an evening with me at my quarters; but, that I held a private talk with them in my house, on the subject of preaching, or that it was even incidentally mentioned in my hearing, is false; if the subject was mentioned at all, it must have been among the chiefs, and not interpreted to me; at all events, I do not now recollect to have heard the subject mentioned. Mr. Capers seems to think that it is my duty to notify him, or some one of the missionaries, to attend every meeting I have with the chiefs, in order to prevent any unfavorable impressions being made in relation to the mission; although I shall not object to Mr. Capers, or any other person attached to the mission, from making any statement they wish to the chiefs, relative to the institution, I nevertheless do not feel it to be my duty to notify them of every meeting, or even to communicate to them what passed in the meeting in their absence.

I have been requested, by Mr. Smith, to use my influence with the Chiefs, to allow him to preach; but I deny having made him any promise to do so. I have uniformly told him it would be improper in me to insist on their doing an act so much against their known will; a hostility which had been much increased by the conduct of Mr. Capers, in his demand at the late meeting, in June, 1822: for if granted

under the influence of my authority, they would censure me for it; but have persuaded him to progress with the School, and that in all probability, the Indians, at some future day, would grant them that privilege. Mr. Capers expresses some apprehension that I may, so soon as the charges reach me, excite the Indians, to what he calls acts of greater violence, and asks if that is uncharitable. In reply, I will say that it is uncharitable, and illiberal in the extreme, and there is not the least foundation for such apprehension, except in his splenetic imagination.

I deny having excited or attempted to excite the Indians to any acts of violence, against him or any one attached to the Creek Mission; but to the contrary, have used all proper means to reconcile the Indians to the establishment of the School, by pointing out to them the benefits that would result from it, if properly conducted. I have also spoken in terms of respect and veneration of Mr. and Mrs. Smith, the individuals who have the immediate charge of the School. With regard to my having treated Mr. Capers with contempt, I will barely remark, that I am not conscious of having done so, either in or out of the Creek Nation.

That I may have used, at some unguarded moment, profane language in his presence, is possible enough; but I assure him that it was not done with any intention of outraging his pious feelings, or even a wish on my part to seem profane, as he seems to think.

In conclusion, I will unreservedly declare, that so far from entertaining any hostility or unfriendly feelings towards the Creek Mission, that I have felt great solicitude for its success and prosperity, and have given my most hearty sanction and support, to what I conceived to be the important and practicable objects of the institution. In doing this, I flatter myself that I have done all that was expected of me, by the Government, in relation to it. I have certainly done all that I have been instructed to do; I have received no instruction from the Government on the subject of preaching. I did not, therefore, consider it to be my duty, or proper to have urged the Indians to do what, at this stage of mental improvement, their feelings revolted at; more especially when they had, on more than one occasion, manifested such unequivocal hostility to preaching; for I look upon it as a paramount duty of an Indian Agent, next to obeying the instructions of his Government, so to conduct himself in the discharge of his official duties, as well as in other respects towards the Indians, as will be best calculated to secure their confidence. If then my conduct towards them has been such as to cause them to be devoted to me, as represented by Mr. Capers, it only goes to prove that I have discharged the duty of my appointment to the entire satisfaction of the Indians; and I cannot conceive with what propriety that circumstance should be made the foundation of a complaint against me. In addition to the solicitude I feel for the prosperity of the school, I have made great efforts to improve the condition of these unfortunate people in other respects, and it is with much pleasure, that I can say to you, that my efforts have been attended with as much success as could have been expected, under existing circumstances. In order to enable me to begin, and prose-

cute so desirable an object, I prevailed upon the Chiefs to appropriate a sufficient sum of money, out of their annuity, for an ample supply of farming utensils, spinning-wheels, looms, &c. for the whole Nation. I have taken great pains to convince them of the advantages of settling in the country, and give up their towns, which has had the beneficial effect of giving them a more correct idea of the advantages of separate property.

When I first went into the Agency, it was a rare circumstance to see a plough in use by an Indian, and Indian Corn was selling for about fifteen dollars per barrel; it is now no new thing to see ploughs in use in different parts of the country, and corn is not worth more than about two and a half dollars per barrel.

The great mail road which leads through this nation is not only well supplied with comfortable houses of entertainment, but it may be considered, during the Fall and Winter, as a market-house for such articles as the Indians grow, and the road and bridges are kept in the best possible condition, which is certainly a great convenience for the great number of travellers on that road. These people are also becoming cotton planters, and I flatter myself that they will, in a short time, be competent to manufacture to the extent of their own wants at home. I have stated these facts in order to show you that I have not been unmindful of the welfare of these people, and that my exertions to improve their condition, in some of the arts of civilized life, have been attended with no inconsiderable success.

Having, as I apprehend, satisfactorily met and answered the unfounded and frivolous charges exhibited against me by the Reverend Mr. Capers, I now beg leave to make a few remarks in reply to the bitter philippic of Governor Troup.

Having heard *one side* of this controversy, he ventures to express his general impression of my character, that I am "without morals, without dignity, without even the exteriors of religion, forcing, by insolent authority, the peaceful ministers of the Gospel from their hallowed places, and pursuing the idol mammon with a zeal that never tires, in all places and among all men." But what, let me ask you, is the evidence upon which he ventures to rest so all-destroying a sentence against me? It is the *ex parte* statements of Mr. Capers, and what he has collected from rumor.

To the first branch of this evidence I have already replied, and notwithstanding Governor Troup has, by an allusion to what would be "seen in the sequel," attempted to pre-occupy your mind with hostile impressions, I trust I have not failed in shewing that no foundation existed for them.

To the second branch of the Governor's evidence, (I mean rumor,) I will barely remark, that it is a species of evidence so convenient in its character to be resorted to by accusers of a *certain description*, that if allowed to have any weight, in this or any other investigation, innocence will cease to constitute a shield against persecution.

Governor Troup would induce you to believe that he "writes without resentment," and that his "naked, brief, and impotent accusations," are intended to pass for nothing, and yet "if it can be made to

weigh a *feather* in the scale of the memorial, he shall not regret it." Restrained as I am from recrimination upon Governor Troup, by the respect which is due to his office and the people of Georgia, as well as to the Department, I consider it fortunate that the palpable discrepancies above noticed are, of themselves, amply sufficient to portray the motives by which he has been actuated in these denunciations.

But what is the Governor's own accusation against me? "That Mr. Crowell, the agent, not being an inhabitant of the State of Georgia, but an officer of the United States, abandoning his station, did, for political purposes, repair to the Seat of Government of Georgia, with the sole view and intent to use his influence in behalf of one of the candidates, at the late election for Governor, and did so use it in the most open, public, and grossly indelicate manner, thus intermeddling in the political affairs of a State to which he ought to have been, as he was, in fact, a stranger and an alien, and thus compromising the Government, whose agent he was, in a matter in which the highest interests of the States were involved, no less interest than the freedom and independence of the elective franchise."

That I am no "inhabitant" of Georgia is not correct; the seat of my agency being within the chartered limits of that State. That I am an officer of the United States is true; but that I, in a "grossly indelicate manner," opposed his election, I deny. That I *openly and boldly* did so, I admit. In doing this, I may have acted imprudently, by provoking his resentment; but how my doing this could compromise the Government, whose agent I am, in relation to the free and independent exercise of the elective franchise in Georgia, I confess I have yet to learn.

By becoming the agent or officer of the United States, for particular purposes, I do not, I humbly conceive, surrender my rights as a citizen of the United States, or the State in which I live, except so far as the exercise of such rights are expressly incompatible with the office or agency thus held; if, then, there be no *legal* or sensible distinction between an Indian Agency and any other office of public trust, I am a citizen, and, as such, have a right to express my opinions upon men and measures in relation to political affairs; and I disclaim, without reserve, the right of the Government of the United States to exercise any control over me, in the free exercise of my rights in such cases.

There is, certainly, then, no express or implied incompatibility between the office of Indian Agent and that of opposer to Governor Troup, in his canvass for public suffrage.

In conclusion, I regret much the necessity of noticing an idea thrown out by the Reverend Mr. Capers, in the following words: "Can he not be made to answer, without the citation itself being used as a watch-word to destroy?" I can hardly believe that Mr. Capers, a man hitherto devoted to other avocations than those of politics, weighed well the import of the term which he has employed on this occasion.

But what are we to think of Governor Troup, who, if his own statement is to be believed, examined the document with a critical eye, and gave it his sanction by making it the foundation of serious charges

against me? He has none of those extenuating circumstances to offer; he cannot plead ignorance of the dangerous consequences to be apprehended from the introduction of the principle into our free and enlightened institutions, that the accused are not to be heard in their own defence, or even of being apprized of the nature of the charges brought against him.

JOHN CROWELL,  
*Agent for Indian Affairs.*

The Hon. JOHN C. CALHOUN,  
*Secretary of War, Washington City.*

No. 4.

*Secretary of War to Col. Crowell.*

DEPARTMENT OF WAR,  
30th March, 1824.

SIR: The President has perused, with attention, your letter of the 18th March, in explanation of the charges which had been presented against you by the Rev. Mr. Capers, and he directs me to inform you that he most deeply regrets that any misunderstanding should take place between you and Mr. Capers, and the other members attached to the Methodist Mission, in the Creek Nation. The President takes deep interest in the success of every effort, the object of which is to improve the condition of the Indians, and desires that every aid be furnished by the Indian Agents, in advancing so important an object, and he trusts that your conduct will be such as to avoid the possibility of complaint, on the part of those who are engaged in this benevolent work.

You will give a decided countenance and support to the Methodist Mission, as well as to any other society that may choose to direct its efforts to improve the condition of the Creek Indians. It is not conceived that they can have any just cause of apprehension against the privilege of preaching among them; and you will use a decided influence with them, to reconcile them to its exercise, on the part of the mission. The Department feels confident that, by proper efforts on your part, you may secure to the mission the right of preaching among the Indians, which is deemed to be so essentially connected with the objects of the Society.

I am directed by the President to furnish you with a copy of the letter to the Rev. Mr. Capers, on the subject of the charges which he has presented.

I am, &c. &c.

JOHN C. CALHOUN.

To Col. JOHN CROWELL.

No. 5.

*Secretary of War to the Rev. Mr. Capers.*

DEPARTMENT OF WAR,

30th March, 1824.

SIR : I herewith enclose, by the direction of the President, a copy of the reply of Colonel Crowell, the Agent to the Creek nation, in answer to the charges which were brought against him in your letter, of the 8th January last; and the answer of this Department to the Agent.

The President regrets that there should be any misunderstanding between yourself, and the society of which you are a member, and the Agent. But, after a careful examination of the charges, and the reply, he is of opinion that there is no foundation on which to take any measure against him, particularly, as his general conduct, in the discharge of his official duties, has been marked by promptitude and accuracy, as far as they have come within the knowledge of the Department.

The President directs me to state, that he feels a deep interest in the benevolent object which your society has in view; and has on all occasions given every support in his power to whatever tended to the civilization and improvement of the unfortunate Aborigines in our neighborhood. He cannot but regret that you had not communicated to the Department, at an earlier period, the difficulties which you have enumerated, so that specific instructions might have been given to the Agent for his guidance, in order to remove the objections of the Indians to your preaching, and that of the members of your society in the nation. Nor can he think that the reason which you have assigned why an earlier complaint against the Agent was not made, entirely satisfactory, particularly, as the report of the Missionary Committee, of the progress of their mission among the Creek Indians, so far back as February, 1823, was calculated to give that publicity to your discontent, in relation to the Agent, a concealment of which is stated as a reason for not communicating, at an earlier period, your complaints to the Government. Had an earlier communication been made to the Government, it is believed that much of the ill-will which has been since excited, would have been avoided.

Your letter would have been replied to sooner, had it not been thought due to a fair investigation, that Colonel Crowell should have an opportunity of replying to the charges made against him. It is an invariable rule with the Department never to condemn without hearing both sides; and it could devise no way in which this could be done, but by furnishing a copy of the charges against him; and thus furnishing an opportunity of meeting them fully and distinctly. Colonel Crowell having received permission to visit the Seat of Government, for the adjustment of his accounts, before the date of the receipt of your letter, no measure could be taken till after his arrival here, towards the end of February. The delay which has since occur-



red, has been caused by the heavy press of duties which attends the Department during the session of Congress, and which completely engrosses its time; which will, I trust, be considered a satisfactory reason.

I am, &c. &c.

J. C. CALHOUN.

To the Rev. WILLIAM CAPERS.

No. 6.

*Reply of the Rev. Wm. Capers, to the defence of Col. Crowell.*

BALTIMORE, May 17, 1824.

SIR: Your letter of March 30th, on the memorial sent up to your Department, by myself, complaining against Colonel John Crowell, Agent for the Creek Indians, together with a copy of his reply to the memorial, and of your letter to him, reached me at this place, on the 15th instant. I have perused the whole with fixed attention; and without presuming an exception to the measures which have been taken, and which I suppose to be final, I beg your indulgence for this letter; constrained, not for my personal separate reputation, but out of respect to that relation which my poor name sustains to the mission, and to the Church.

That the President "cannot [think] the reason assigned why an earlier complaint against the Agent was not made, entirely satisfactory," I deeply regret. And I regret more, that the reason for this should be, that "the Report of the Missionary Committee, so far back as February, 1823, was calculated to give that publicity to our discontent, in relation to the Agent, a concealment of which is stated as a reason for not communicating, at an earlier period, our complaints to the Government." I most deeply regret this, because the memorial had asserted that the report made to the conference, (and our annual conferences are held with closed doors,) was recommitted, and the publication of it delayed, until a short time before the memorial was sent up to you. Indeed, I think you were among the first who saw the published report. Why credit could not have been given to the memorial in this instance, I do not presume to inquire; but lest it should be supposed that the assertion was unfounded, I beg leave to refer you to the accompanying certificate.

Of the kindly dispositions of our venerated President and your Department, towards the object of missionary labors, permit me to declare my joyful, thorough conviction. And that we, who have attempted something towards the improvement of the Creeks, may not lie under an imputation which should, if it could be maintained, forfeit from our mission your desired countenance, and make us an example fit to be used against the humane policy of the present administration, suffer me a few remarks on Colonel Crowell's letter.

What may have passed between Col. Crowell and Big Warrior, or other chiefs, previous to my conversations in the council, I never pretended to know, and I have nowhere affirmed; but I have always said, that Colonel Crowell never signified to me, that the Indians were averse to our preaching, or to our religious liberty in any respect; and that neither Big Warrior, nor any other chief, did so say to me, either before the council, or during the negotiation between the Indians and myself. This is one of the important facts, and the first in order, which Colonel Crowell flatly and circumstantially contradicts. He must have contradicted it, or else the testimony of the Reverend Mr. Ralls would have been insurmountable; he could contradict it pretty safely, because there were no other witnesses present than such as he could control. But I beg you, Sir, to take the trouble of comparing what Colonel Crowell has said, (and although he says "I deem it unnecessary to follow the memorial in all its details," he is circumstantial enough on this capital point,) with what you shall find on the 7th, 8th, 9th, and 10th pages of the accompanying pamphlet.\* Col. Crowell says that my terms "were presented in writing, and explained to the Chiefs, *when many of the articles were objected to by the Indians.*" The proposals altogether consisted of *but five articles.*

Please compare the terms submitted to the Indians, (page 7 and 8 of the pamphlet,) with the articles of agreement, (page 9 and 10,) and see whether I relinquished or gained in the negotiation. "The Council, (says Col. Crowell,) apprehensive that this instrument (meaning the articles of agreement,) might not be entirely clear of fault, or that it might be susceptible of a different construction from what they understood, *required the insertion of an article which authorized the Agent, at any time upon its being required of him, to remove the establishment from the Nation.*" Pray, where is this article contained? If required I will produce the original paper, with the Chiefs and the Agent's signature. But how barefaced is this assertion. Colonel Crowell means by it nothing more than to make an impression of his possessing a high personal popularity with the Indians; but he was most unfortunate; for if you turn to the pamphlet again, you will find that the only article which refers to the Agent at all, is contained, not in the articles of agreement, but in the proposals which I submitted to the Council; and this was the *only one* ("MANY ARTICLES,") objected to; in discussing which, one of the Chiefs suggested to fix a ratio, to determine the quantity of land we should occupy, and the number of our cows, rather than leave it to the Agent's adjudication. The postscript to the agreement cannot pass for the Agent's article; it was added only to secure the Indians against a liability for damages in the event of such a disagreement as should put a period to the Mission, and has no reference whatever to a third party.

But Col. Crowell proves that he states the facts truly, (and even that I referred to this special article to seal a promise of silence from preaching,) by a reference to the memorial itself. The memorial states that Mr. Smith applied to Little Prince to know whether the

\* For pamphlet referred to, see pages 64 to 83, inclusive, of this document.

having public worship every Lord's day, would be offensive ; and, Col. Crowell triumphantly asks "why make this application to Little Prince, if no objection had been made to preaching?" But where did Col. Crowell learn that *Mr. Capers* applied to Little Prince? Was the application made with his knowledge or advice? Or did he not disapprove of it, on the very ground, that our liberty to preach, was as well ascertained, and no more a question, than the liberty of others to swear? I in my turn, appeal to the memorial. The very next sentence following Col. Crowell's quotation shall answer him.

I confess I know not which most offends me, this gentleman's statements of matters of fact, or his reasoning on them. Your patience, excellent Sir, a little farther. From the reference to Mr. Smith, Col. Crowell proceeds: "Was it because Big Warrior, who made the objection to preaching, resided at a considerable distance from the mission house, and they determined to avail themselves of that circumstance, to reconcile the Little Prince, who resided in their immediate neighborhood, and by that means cause a division between the two head Chiefs, with the hope of silencing the opposition of Big Warrior, at the hazard of every thing like harmony and good feeling in the Council? Will not the conduct of these men, in this affair, justify the conclusion, that they were determined, by some means or other, to obtain their object, regardless of the consequences that might result from it? Truly the Colonel's logic might justify this conclusion; but "*the conduct of these men*" cannot. I feel that I condescend in noticing it seriously. Col. Crowell contradicts my statement of what I knew and believed from the Indians, concerning their opinion on the subject of our preaching; then he proceeds to prove, by a garbled quotation of the memorial, and a reasoning upon it that should scandalize a boy of twelve years old, that my statement is untrue, and that he gives the honest history of the facts in question; then, forsooth, he has fixed falsehood upon me, and assumes that Mr. Smith and myself ("*these men*") knew the facts to have existed according to his statement of them, and concerted to overrule them, by tampering with Little Prince. But upon what authority, all this? When did "*these men*" acknowledge that they knew Big Warrior to be hostile to preaching, and that Little Prince alone, was friendly? Quite otherwise. In my report to the So. Ca. Conference, February, 1822, and ever since, I have asserted otherwise. Please refer to page 1 and 12 of the pamphlet, and to an extract of a letter to the Missionary Committee, under date of November 17, 1821, published in the 5th volume of the Methodist Magazine, at page 75. Please refer also to my journal, published in the same volume, particularly my proposals left with McIntosh and Lovett, September 4th, 1821, (at page 273, collated with the remarks, under date of November 4th and 5th, (page 275,) and the concluding sentences, under the date of November 7, and see if I have ever been committed in this matter.

For the Mission's sake, I beseech you to take this trouble; and then consider, that before I made the proposition to the Council, June 17, 1822, which so outraged Col. Crowell's feelings, I took Messrs. Smith and Hamill with me to Big Warrior's tent, (he having encamped nigh to our house, see the memorial,) at a time when I could not have

supposed him to be ignorant of our preaching, in order to satisfy myself, not whether he would relinquish prejudices, which, on Col. Crowell's statement, I should have known him to entertain from the beginning, but whether he had recently imbibed any.

Now then, I offer, in support of the memorial, against the charge of falsehood, so bravely fixed on me by Col. Crowell, these facts : in all my conversations, from November, 1821, up to this time, both with the Bishops, and before the Missionary Committee, and the Conference, to my most intimate friends, and to all others ; in public and in private, I have always spoken the same thing, although I could not have foreseen what has transpired between Col. Crowell and myself. My journal, written from day to day, at the time, is strictly consonant to all that I have spoken or written to others ; and my interview with Big Warrior, on the evening of Sunday, June 16, 1822, in presence of Messrs. Smith and Hamill, after having preached publicly at noon in the mission house, and when I could not have supposed him ignorant of our public worship, either on that day or the Sabbaths preceding, corroborates all the rest.

But, if I devised a falsehood in November, 1821, and framed my journal to support it, and wrote to the Missionary Committee, and reported to the Conference, and conversed every where, for two full years together, so as always to conceal it, and finally confirmed it by an oath, what could have been my inducement ? And, if I were so depraved, and yet was always believed, because I was too *crafty* to commit myself, why did I take *witnesses* with me, when I went to Big Warrior, June 16, 1822, to ascertain whether or not that Chief had been excited to object to preaching ? Upon Col. Crowell's statement, I should have known that, at my first word, the mask would be torn from me, and before my brethren, I would have been convicted of a lie, told a hundred times, and upbraided with breach of treaty. But did Big Warrior so ?

But more directly to Col. Crowell. He who cannot possibly have an interest in misrepresenting this matter, gives a circumstantial account of my negotiation with the Indians, and affirms positively against me.

Is it the natural distinction between truth and falsehood, that the former cannot, for one single separate time, state a transaction without being convicted by its own words ; and that the latter may speak almost every day, for two years together, in public and in private, and never once utter a contradiction ? If so, the truth is with Col. Crowell, and the falsehood may be with me. Hear him : " It was with some difficulty, that I prevailed upon the Chiefs to hear his proposals, observing that they had consented for me to procure them a schoolmaster, and they understood this man was a missionary. I insisted on their hearing his terms before they condemned him, which they finally did ; which were presented, in writing, and explained, to the Chiefs, when many of the articles were objected to by the Indians. Mr. Capers then agreed, and did, the next day, present another instrument, leaving out the most objectionable features. The Council, apprehensive that this instrument might not be entirely clear of fault, or that

it might be susceptible of a different construction from what they understood, required the insertion of an article, which authorized the Agent, at any time, upon its being required of him to remove the establishment from the nation." The Chiefs could scarcely be prevailed upon to hear me, because I was a *missionary*; and when they did hear me, *they objected to many of the articles*; and, on the day after this audience, I presented another instrument, from which *the most exceptionable features* of the former one, were omitted. Now does not this intend, that there were certain *missionary features* in the former instrument, which gave offence; and that the second instrument was accepted, because it was free from those missionary features, or articles, which gave offence? and, considering the whole scope of Col. Crowell's letter, is there not a plain intimation, that the offensive articles and features, contained in the proposals, were of a religious character? Was this so? See the proposals submitted to the Council, November 7, 1821, at page 7, of the pamphlet, and please compare them with the articles of agreement, executed on the 8th November, (page 9, of the pamphlet.) Is the latter stripped of any missionary features, contained in the former? There is not any article of the *proposals* omitted from the *agreement*, nor any "*objectionable features*" left out, except that one, which subjected us, in case of our occupying more land, or owning more stock than the Indians should approve, to the adjudication of the agent. "*The most exceptionable features*, then, and the "*many articles objected to*," amount to this; that the Indians preferred a fixed ratio for the increase of our possessions among them, rather than *confide* in the umpirage of the agent. The validity of his other remark, concerning an inserted article: I have already considered; and for this, I have his own signature, with his own hand.

Here I dismiss Colonel Crowell's letter. Upon the first view of it. I thought I would examine every part of it in order, but as wherever the memorial is contradicted, (and such delicate phrases as "*utterly destitute of truth*," "*false*," &c. give courage to the Colonel, and grace his communication quite often enough,) the facts lie pretty much at his bidding, I forbear. If I have not proved that he speaks at random; if the memorial, which I had the honor to send up to you, is not admitted to possess intrinsic evidence, which his letter cannot claim, I could not justify myself by saying more: and, indeed, if I have done in this letter what I think I have, it may be due to myself not to proceed farther, unless I could know that Colonel Crowell's having denied me the truth, does not deprive me of it.

Suffer me, Sir, to repeat to you that an establishment has been set up in the Creek Nation, with a view to meet, in all respects, the wishes of the Government. My proposals, left with McIntosh and Lovett, September 4, 1821, will satisfy you of this; and, although we have condescended to the Indians so far as to keep out of immediate view husbandry and the mechanic arts, we never could have consented to so much, at our own exclusive cost, and also bargained away with it, our religious liberty. I again solemnly declare that all the difficulties which were represented to me by the Agent, or others, as opposing the establishment of a mission among the Creek Indians, were

such as referred to lands, shops, cattle, fields, &c. exclusively; and never awakened a suspicion in my mind that they would not allow us to preach. If preaching was mentioned at all by Col. Crowell, (and I have no recollection that it was.) it never could have been stated in this light. That he might have expressed his own opinion of the improbability of converting the Indians by preaching to them, I care not to admit; and what should it prove? A mere opinion of the white man, and in nothing connected with the prejudices of the Indians, or the terms of my agreement with them.

We have spent about 9,000 dollars. We love our children, and they love us. How shall we go back? How can we go forward? Believe me, with Colonel Crowell as the Agent, neither I nor my brethren, generally, expect better than a covered counteraction of our religious endeavors. Our hands hang down; we are discouraged. He has proved, beyond all doubt, that he would rather the school be broken up, and the whole establishment vacated, than he say one single word, however respectfully and earnestly solicited, in favor of our preaching. This much is established by his own letter in vindication of himself. See what he says for himself against so much of the memorial as refers to his conduct in May last.

Wishing you health, &c. &c.

WM. CAPERS,

*Superintendent Asbury Mission.*

To the Hon. JOHN C. CALHOUN,  
*Secretary of War.*

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No. 7.

*Col. T. M. McKenney, to the Rev. Mr. Capers.*

DEPARTMENT OF WAR,

*Office Indian Affairs, 24th May, 1824.*

DEAR SIR: Your letter of the 17th inst. has been received, covering a joint certificate of members of the South Carolina Conference, and members of the Missionary Committee of said Conference, and a report made before the Bishop and South Carolina Conference, of 21st February, 1822. Your letter and its references have been read attentively. I am directed by the Secretary of War, to convey to you the assurance of his cordial approbation in the mission and school among the Creeks, his high respect for, and entire confidence in you and the conference under the directions of which you act; and his deep regret that any misunderstanding should exist between you, or any other members of the mission, and the agent. I am directed to assure you that it is the determination of the Department to sustain those benevolent designs of improving the condition of our Indians, by all the means in its power; and that you may confide in the assurance that no influence unfriendly to the prosperity of the Asbury

Mission will be permitted. The agent has already been required to give you every assistance of which his office and influence will admit, and a scrupulous execution of this requisition will be exacted of him. I am led to hope, therefore, that your fears of having your religious endeavors counteracted by the agent will not be realized, and that as the views of the Government have been so fully conveyed to him, he will discover a readiness to carry them into successful operation. I should be happy if it will suit your convenience to return by the way of Washington, if you will do so; indeed, I think it desirable that you should. I will be happy to see you at my house, where the subject of your letter can be more generally discussed.

I am, dear Sir, with great respect, &c.

THOS. L. MCKENNEY.

To the Rev. WILLIAM CAPERS,  
*Superintendent of the Asbury Mission.*

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No. 8.

*Extract of a letter to the Rev. Wm. Capers, dated 2d June, 1824, from  
Tho. L. McKenney, Office Indian Affairs.*

"My chief object in addressing you, at this time, is to acknowledge the receipt of your letter, written at Baltimore, and to express my regret that you should have been so situated as not to be able to return by the way of Washington. I wished much for the pleasure of a personal acquaintance with you, especially as I am solicitous that the views of the Secretary, on the occasion of your recent misunderstanding with the Agent, should be fully in your possession. I have to report to you the assurance of my sincere belief that you will be greatly disappointed in the dispositions of Col. Crowell towards you and your mission. I conversed with him freely on the subject, and thought then you would not meet with the embarrassments you appear yet to apprehend. But, since the Secretary has acted so decidedly, and issued instructions so conclusive, I feel my assurance to be doubly sure, and my hopes quite confirmed, that, in the place of discord, there will be harmony, and co-operation instead of opposition."

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No. 9.

*Col. Thomas L. McKenney to the Rev. William Capers.*

DEPARTMENT OF WAR,

*Office Indian Affairs, 9th July, 1824.*

DEAR SIR: Your letter from Milledgeville, of the 10th ultimo, is received. In reply to so much of it as relates to the probable misin-

terpretation of the views of the Secretary, as conveyed in his letters to you and the Agent, Col. Crowell, I am directed by the Secretary to say, that he considered the difference between you and the Agent in the light of a misunderstanding only, and that he had no intention, in what he wrote on that subject, to implicate, in the slightest degree, either your *veracity* or *honor*, of which he has the most perfect confidence, and, withal, a high personal esteem.

I am, &c.

THOS. L. M'KENNEY.

To the Rev. WILLIAM CAPERS,  
*Milledgeville, Georgia.*

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*A Report made before the Bishops and South Carolina Conference of the Methodist Episcopal Church, at their annual meeting, held in Augusta, February 21, 1822.*

*To the Bishops and the Conference :*

The duties confided to me at your last meeting, involving on my part a high responsibility, and on that of the Church, a most precious interest, require that I lay before you a report of my transactions.

In doing this, I bless God, that, by his most gracious providence, and the kind offices of many brethren and friends, I have not disappointed all your expectations ; although there cannot be shewn you the full accomplishment of your wishes.

In carrying out our labors into a distant, untried field, where the character and circumstances of the work are peculiar, and where no probable foresight could prepare against every embarrassment, you did not expect of your agent, *success without mistake*. And I am happy to know, that what mistakes have happened, are attributable to *no bad motive* ; nor have followed from indifference ; nor have been induced by rashness. I know your charity will cover them.

The instructions given me at the last Conference, required,

1st. That I should travel extensively within the Conference District, to do the work of a missionary in such places as are destitute ; to subserve the general objects of the Missionary Society, by forming societies auxiliary to it ; to institute Sunday schools, and instruct the youth ; to preach, and make collections in aid of the establishment of a Mission or Missions among the Indians ; and,

2dly. To visit the Indians ; and to use all proper means to establish a Mission or Missions among them.

Of that part of my duty which has employed me within the Conference, except what immediately relates to the duty assigned me abroad, I can say but little. But little has been done.

To have given my labors much to destitute places, would have been to diminish the collections.



Missionary societies, and Sunday schools, whether rendered inconvenient by want of neighborhood in country places, or by some less wholesome cause, are almost entirely confined to towns and cities. But, every where, I have been in haste ; and have no where rested long enough to accomplish much for this object. I regarded it my great work, to stir up some excitement in favor of Missions ; to catch the charity of a willing moment ; and to institute a mission among the Indians.

In choosing between duties, my discretion invariably has been guided by the supposed preference of the senior Bishop ; the general reading of my instructions ; and the opinions of others, as well as my own opinion. Indeed, it would seem, that several instances of service were mentioned in the instructions, to authorize what I might do therein, rather than to define the measure of my duty.

Until the 23d April, my labors were given to that part of the Conference, which lies South of a line drawn from Beaufort, by Waynesboro', to Milledgeville. Beaufort, Waynesboro', Louisville, Saundersville, Irwinton, Dublin, Savannah, Sunbury, Darien, and St. Mary's, and, pretty generally, the principal Societies of the intermediate country, were visited ; with what probable success, in reference to the Mission, may be inferred from the amounts collected.

I had intended now to visit the Indians. I felt the disadvantage to which I was put, on account of our not having undertaken any thing among them ; and wished, earnestly, to be able to speak of positive engagements, and occurrences, rather than of a proposed undertaking which we only hoped to realize, and for the accomplishment of which, no certain pledge could be given. I believed this important to our obtaining means ; and necessary to rouse the feelings of the people into attachment to the cause.

But, upon strict examination, my instructions were found to convey no adequate authority for the work I intended. The general phrase, "*to use all proper means,*" could not warrant my doing those particular acts, which, by the economy of the Church, are separated to the Episcopal office. I might engage for the institution of a mission : but, to fulfil that engagement, nothing efficient could be done, without a special order from a Bishop.

That I was always assured of the Bishop's generous temper. and of your kind reliance, could not relieve this embarrassment. It was not that I feared to be responsible ; but I felt my duty to the Church. I wished to have more explicit instructions : and for this I could look only to the Bishops.

Perhaps it was unhappy that I felt delicacy of asking authority in a matter of so great importance : and although I wrote to the Bishops, for this end only, yet, if I asked at all, they did not hear me. It was late in March when I received their answer—only to learn that I should have been more distinct : it neither authorized me to employ a Missionary, nor to expend any part of the collections. I hastened to correct my error in two letters to Bishop M<sup>c</sup>Kendree ; but his kind reply did not reach me until the 20th June.

In the mean time I removed my family from Savannah into Sumter

District ; and made an excursion thence, to Georgetown and Charleston. On this tour, I was occupied five weeks : I trust, to some advantage. I was happy in conversing freely with the Brethren Myers, Kennedy, and others ; and felt it a great encouragement that they approved the course I had taken, and concurred in my recommendation to the Bishop to make the offer of our services first to the Creek Indians.

It was immediately upon my return from this excursion, I received Bishop M<sup>c</sup>Kendree's welcome letter. By this, I was authorized "*to choose a man or two, and employ them among the Indians, to teach them and their children.*" The Missionary Committee was appointed as my counsel in the work ; the Creek Indians were preferred ; and a letter obtained from the Secretary of War to their Agent. I was made free indeed ; and longed to see the wilderness which was to become a fruitful field.

But as my attention was now drawn chiefly to the Creek Indians, and it was thought there were peculiar difficulties in the way of establishing a mission among them, I judged it best not to adventure upon this business before I had fully secured the probable means of success. I therefore made an excursion into Georgia, passing through Camden, Columbia, and Edgefield, in South Carolina. On this tour I visited Washington, Elberton, Lexington, Athens, Salem, Madison, and Greensboro' ; every where preaching, and making collections for the mission. I did not, however, learn much concerning the peculiar prejudices against which I was seeking to be prepared ; but was well advised what names might recommend me to the Indians. I returned to my family on the 4th August ; and on the 14th set out alone for the Creek nation.

On my way, I preached and made collections at Wrightsboro', Warrenton, Powelton, Sparta, Milledgeville, and Clinton. At Milledgeville I obtained letters from Generals Meriwether and Mitchell : the latter of whom had lately been Agent for the Creeks. These, and a letter from General John McIntosh, (sent me sometime earlier,) were intended to assure the Indians of my character and good intentions ; while the Secretary's letter to the Agent, and one from the Governor of Georgia to the Chiefs of the Creek nation, gave me the advantage of our Government's influence.

It was here too, that I met with our brother Colonel Richard A. Blount, whose laudable zeal made him my companion ; and to whose very useful aid, I am glad to acknowledge myself much indebted. With him, I pursued my journey ; and on the evening of the 31st August, reached the Agency on Flint river. Here we had the mortification to learn the Agent's absence in Alabama ; and were advised that nothing could be concluded on, until his return. We nevertheless set out the next morning, and were presently among the Indians. The following day being Sabbath, we rested, and I preached to a small company. Several Indians were present, but they could not understand me. On Monday, September 3, we reached Fort Mitchell, and were informed of a general meeting of the Cowetas at one of their towns in that neighborhood. Thither we repaired on the next

day, and saw McIntosh and Lovett. I conversed freely with them ; and confided to their care my letters, and a written avowal of our object, and the terms of its accomplishment. The whole manner of these chiefs was such as to assure me of their approbation. I very much wished a conversation with Tustunnuggee Hopoi, and had intended to visit the Big Warrior ; but the Agent's interpreter being absent at Pensacola, I chose to confide in McIntosh and Lovett, rather than risk a misinterpretation.

I was now assured that nothing conclusive could be done, without a general council of the chiefs ; and that the agent was the only proper organ for convening that council. I wrote him at full length ; enclosing the Secretary's letter, and a copy of my proposals to the chiefs ; and very reluctantly returned home.

But, although this visit could not accomplish a treaty, it was of great consequence to one. Now, and never before, I ascertained the ground of the objections that had been made by this tribe against missionary establishments : and, in our after transactions in their council, it was by the knowledge now had, that I was able to avoid their jealousy, and to gain their confidence.

After this, it became my principal care to procure a suitable person to accompany me before the council ; and to remain as your missionary. Early in the year I had thought of brother Christian G. Hill ; and more latterly, had signified to him my wishes. I now believed it necessary to go into his circuit, and arrange with him for this important undertaking. Our arrangements fell out in happy coincidence with the meeting of the council ; and, on the first Monday in November, I was again among the Indians.

I submitted to the council the following proposals :

*" The Bishops and South Carolina Conference of the Methodist Episcopal Church, by WILLIAM CAPERS, propose to the Chiefs of the Creek Nation, to institute and support a school, or schools, in the Nation, upon the terms following, to wit :*

1st. The place or places where said school or schools may be located, shall be chosen or approved by William Capers, or by such other person as may be appointed to act for the Conference on this behalf.

2d. Neither William Capers, nor his brethren, nor any other person for him or them, shall claim land, nor any other thing, that now belongs to the Red People ; only the Red People shall allow the teacher or teachers to use so much ground as may be necessary to raise bread and vegetables for themselves and the children with them. And shall also allow them to keep such stock of any kind as may be necessary to them ; and to build and occupy convenient houses.

3d. Every Red man shall be left altogether free, to send his children to school, or not to send them, as he may please ; but, when children are sent to school, they shall be under the control of the teacher.

4th. Neither William Capers, nor his brethren, nor any other person on his or their account, shall demand pay, or claim any equivalent

whatever, for services rendered the Red People, or their children, by the teachers, or by any other person employed at the school or schools.

5th. Should it, at any time, be complained that the teacher or teachers shall have obtained more stock, or cultivated more land than the convenience of the school, and the support of their families and the children, may require, such teacher or teachers, so complained against, shall be required to give an account thereof to the Agent; and shall forfeit to the Red People all such stock as he shall determine to exceed the uses contemplated in the second item of this agreement. And for every acre of land, so adjudged to be unnecessarily cultivated, said teacher or teachers shall forfeit a sum, not exceeding — dollars, at the discretion of the Agent."

After this had been distinctly interpreted, I only avowed our motives, and invited the Chiefs to satisfy themselves of my sincerity, by any examination they might please; pledging myself to answer promptly to all their interrogatories.

They asked me many questions; and these were ingeniously put, but no exception was taken to our great object; and I was able to answer satisfactorily.

The second and fifth items of my proposals were then discussed; and it was concluded, with my consent, to specify the quantity of ground and the number of cows to be used within the first year of the establishment; and to fix upon a ratio for the enlargement of our fields, and in the increase of our cattle, proportionate to the increase of the school.

The Big Warrior now pronounced the Council's acceptance of the proposal made them; apologized for their refusal of the Presbyterian Missionaries, and subjoined his own request, that I would extend our agreement, for a school at Tuccabatchee, as well as the one intended at Coweta.

Our negotiation resulted in the following articles of agreement:

*Articles of Agreement between William Capers, on behalf of the Bishops and South Carolina Conference of the Methodist Episcopal Church, of the one part, and the Chiefs of the Creek Nation, in Council, of the other part, to wit:*

ARTICLE 1st. It is agreed that the said William Capers, of the first part, shall institute, or cause to be instituted, two schools in the Creek nation; the one to be located at such place in the neighborhood of Coweta as the said William Capers shall choose; the other to be situate at such place in the neighborhood of Tuccabatchee, as shall be chosen by him, or by such other person as he, or the Conference aforesaid, may appoint; which said schools shall go into effect, the one, on or before the first day of February next; the other, on or before the first day of May following.

ARTICLE 2d. That every Indian who may wish to send his or her child or children to school, shall be free to do so; and the teacher in charge of the schools, or either of them, shall have provided for said children comfortable lodging and sufficient food; and himself,

and those associated with him, shall, at all times, treat the children committed to their care with becoming tenderness and regard.

ARTICLE 3d. That neither William Capers, nor the teachers, nor other person or persons for him or them, shall demand of the Creek nation, nor of any individual thereof, any equivalent whatever for services rendered at the schools.

ARTICLE 4th. That, for the sustenance of the teachers, and the children with them, said teachers shall be allowed to cultivate a piece or pieces of land at each of the schools: Provided, that, during the year one thousand eight hundred and twenty-two, they shall not plant more than ten acres of land at either school, nor ever afterwards shall cultivate more than ten additional acres of land for every twenty children that may be under their care.

ARTICLE 5th. That it shall be allowed the teachers to have such stock, of any kind, as may be necessary to their comfort, and the support of the children with them: Provided, that, during the year one thousand eight hundred and twenty-two, they shall not possess a greater number than twelve milch cows, nor afterwards more than six additional milch cows for every twenty children at school.

ARTICLE 6th. That there shall be built, at each of the places chosen for a school, a house thirty feet long, by twenty wide, and such other houses as may be necessary to the accommodation of the teachers and children.

Done at Thla-katch-ka, on this eighth day of November, in the year of our Lord one thousand eight hundred and twenty-one.

WM. CAPERS, *S. C. Conference Missionary.*

BIG WARRIOR, his B. W. mark.

TUSTUNNUGGEE HOPOL, his x mark.

GEORGE LOVETT, his G. L. mark.

Signed in presence of

JOHN CROWELL, *Agent for Indian Affairs.*

WM. HAMBLEY, } *Public Interpreters.*  
ST. HAWKINS, }

*Postscript to the above agreement, concluded on, and inserted, before signed, to wit:*

It is further agreed between the above parties, that, whensoever either of the above named schools, or any teacher of said schools, shall have become offensive to the nation, such school, or teacher of a school, shall be withdrawn from the nation.

In our present circumstances, the institution of two schools may seem excessive; and the objects provided for in our treaty with the council may appear too restricted to warrant the undertaking of any thing at all.

I beg leave to lay before you the reasons that determined me in the one case, and some of those that operated upon the whole of this negotiation.

1st. I could not avoid a second school, without refusing a direct request from the Big Warrior, before all the council; and for such

a refusal I could make no apology, without giving him and the council to understand, either *that we were unable to institute two schools*, or *that we expected to obtain better terms*. But if I had confessed inability to establish *two schools*, they might have doubted our being able to *one*. And for the same reason that they would not *then allow us better terms*, they would not consent to *anticipate better*.

2d. The Big Warrior, while he is acknowledged to hold equal rank with Tustunnuggee Hopoi (the Little Prince) and divides with him the chief authority, seems to have a controlling influence, and can scarcely be destitute of the feelings of rival jealousy, or the pride of pre-eminence.

In the neighborhood of the latter, (who lives near the centre of the nation,) the *one school* should be located; and, of course, his more immediate friends would have the benefit: therefore, to refuse a *second school* in the neighborhood of the Big Warrior, might forfeit his approval of the first; or even might produce his hate.

3d. Our ability to support two, or more schools, can be proved only by actual experiment. The funds that ought to accrue from the cent collections, would support a greater number: and our people cannot be unable to the contribution; nor our preachers, to call them to it. If we sleep over our duty, what shall rouse us? I believe our ability will be found adequate, just, and only as it may be urged.

In conducting this negotiation, it was necessary always to keep in view, the unhappy jealousies that had gotten up among the Indians. Those subjects, which, by some mismanagement of friends, or by the contrivance of enemies, were become matter of suspicion, I studiously avoided: and what was acknowledged to be innocent, or even good, I dwelt upon.

The jealousy of the Indians, would refuse any application that might give to the white man a claim, upon the least part of their territory. Nor would they allow him to introduce among them, a foreign interest, to be improved upon the privileges of their free community.

For their common, but exclusive right to the soil, they are only less jealous, than for their personal freedom: and I believe they are not without apprehensions for both.

The terms on which the other establishments have been set up, and which so especially provide for having the children employed in agriculture and mechanic arts, seem to the Creek Indians, a suspicious contrivance to prepare them for enslavement. Of this, I had been assured before I appeared before the council; and it was confirmed to me by the Big Warrior's apology. The Missionaries, he said, *asked for so much land, and talked so much of the work the children should do, that the Indians were alarmed for the consequences, and would have nothing to do with them*. But against the establishment of schools, not a word has been objected;: they even desired them. Nor have they excepted to our religious intentions: their ignorance of religion has never carried them beyond indifference to it. Their *prejudices* are of another character; and refer to the peculiar policy of the State of Georgia, and the understanding between that State and

the General Government, to extinguish the Indian claims East of the Chatahoochie. I had no alternative therefore, but to treat for schools only, or not to treat at all. *I dare not mention agriculture and mechanic arts.*

In coming down thus far, to the peculiar jealousies of this tribe, I feared we might lose the patronage of Government; and that many, who will have the Indian to plough before he may pray, would decline their assistance. I apprehended the expense of the undertaking would fall exclusively on you; and that you would be put to many disadvantages. But I could not know, how, at any future time, the Indians might consent to other terms, unless upon proofs that a stranger cannot give. Acquaintance only, can give the Indian confidence. Your integrity must be illustrated by your life; and that life must be employed where he can observe it. How else shall the Indian be assured of your good intentions? How shall he distinguish between you and others, so as to appreciate your motives, while he detests a suspected policy? While then I had before me, the only terms on which a Mission can now be introduced, I saw that nothing could be gained by postponement. Either these people must be left to themselves, hopeless of the blessings of the Christian faith, or we must condescend to them, beyond what has been done for others. Pardon me if I thought amiss, that you would make their greater wretchedness, the reason for your greater zeal. I knew no men more ready than yourselves to condescend; none more accustomed to arduous duty; none less inquisitive of what may be convenient.

As to the cost of our undertaking, however you may sometimes waive your right of temporal things of those who receive of you spiritual things; and preach with indefatigable labor, for less than food and raiment, no personal feelings need interfere with this work. You may enlist your very poverty into its service. By the little you claim for yourselves, you may ask the more for the destitute abroad. "Ask and you shall receive." God himself, "the Lord of the harvest," will open the hearts of many to give,

But although so much is omitted in our agreement with the Indians, let it not be thought that all this is lost. Notwithstanding the way is not opened to the utmost of our wishes, it is opened far enough to set us at work: and by doing what we can, we may acquire strength to do all we desire.

The people who confide their children to us, while yet we are strangers, will not refuse our serving them farther, when they shall have become satisfied of our sincere friendship. Cautious of strangers, none are more open to friends. Too often imposed upon by fair professions, they may hesitate; but experience will give them unlimited reliance. Confiding, as I do, in the discretion and good conduct of the missionaries; the benevolence of our object; the piety of our motives; and, above all, relying on the providence of God, I have no fear for the result of our undertaking. At the beginning, I would not propose too much, lest I should fall under suspicions, against which a stranger could refer to no facts to prove his innocency. But already, a very short history has brightened our prospects, in a work

where, the longer we are employed, the more rapid, and the more easy and extensive, will be our success.

Immediately upon concluding our agreement, I returned into Georgia, to employ workmen, and procure supplies.

In this I found some difficulty ; chiefly owing to my want of experience in such transactions ; and did not return to Coweta, (where brother Hill had remained,) until the 9th December. Two days were then employed in selecting a site ; and on the morning of the 12th December, we pitched our tent on the summit of a high and beautiful hill, one mile West from the Chatahoochie river, and equidistant North from Fort Mitchell. Here is the head of navigation. The river is without swamp ; but skirted by rich lands, well timbered with oak and hickory. Opposite us this richer land reaches out to the base of our hill ; which rising, perhaps an hundred feet higher, discovers a high broken pine land. The situation is beautiful and convenient ; and promises healthfulness.

I cannot omit to mention here, with how solemn feelings we occupied this place in the name of the Lord. We had been encamped by the road at Fort Mitchell ; and from that place, moved slowly with our baggage, to this. Scarcely a word passed by the way : We mutually preferred our meditations. Upon halting on the summit of the hill, we kneeled down and prayed. I prayed aloud. The prayer over, we still continued on our knees. It was a time of solemn joy ; and we blessed God for the consolation.

On the evening of the 14th December, our workmen and goods arrived. I remained until the 18th ; and then, by a circuitous route, through Georgia, returned to my family at Georgetown, S. C.

I was sorry not to visit Tucabatchee, but the delays I had experienced in my late business in Georgia, consumed the time that should have been occupied on this duty.

At Asbury\*, our work, though not so advanced as was at first expected, is now in considerable forwardness. Several smaller houses are finished ; and our principal building can be made tenantable, in all next month.

In giving effect, thus far, to your benevolent intentions, although we could not avoid every discouragement, I congratulate you on the hopeful prospect that has been opened before us.

What are the difficulties to be apprehended in this work, compared with those that have been overcome by the Gospel in other places ? True, we can be so *precipitate*, as to miss of the end by over-leaping the means. We can be so *indiscreet* as to alarm a jealousy that would drive us from the work. We can be so *rash*, as to provoke the fury of those, whom meekness and forbearance would tame into gentleness and love : but I avow it my candid, strong conviction, that the field into which you sent me, "is *white to harvest*." Let but the laborers go—"wise as serpents and harmless as doves :"<sup>1</sup> let them be animated with "*zeal according to knowledge*," and they shall reap abundantly.

\* The name of the Mission place in the neighborhood of Coweta ; that in the neighborhood of Tucabatchee, is called M<sup>c</sup>Kendria.



It were preposterous to expect, that savage men, who know nothing of the gospel, should seek to be benefited by its influence. We cannot expect they will greet the man of God on his first approach to them. They know not his character; and they cannot appreciate his worth. But believe me—these same savage men see with both their eyes, and judge upon evidence. They are shrewd and discerning. When Charity shall have appeared before them, “*suffering long, and shewing kindness—seeking not her own, nor easily provoked;*” if they exclaim not, “*The Gods are come down to us in the likeness of men,*” they will at least “*worship God; and report that God is in you of a truth.*”

In the work upon which we have entered, there are no idol temples to be razed; no superstitious forms—no hateful rites—no damning doctrines of a false religion to be exploded. We go to a People among whom I have not been able to discover any thing identified under the name of religion.

But has not “*the true Light, that lighteth every man that cometh into the world,*” shined into their hearts also? They are not so in darkness as to worship a shadow, nor are they so enlightened as to discern “*the glory of God in the face of Jesus Christ.*”

But there are a people among the Indians who give additional interest to our enterprise. There are there *many slaves*—many who have been born and bred among them; and many more that have been carried from the States. These all entertain the strongest predilection for us. They all speak our language—they all acknowledge the divinity of our religion; and some, whom I have seen and conversed with, were formerly members of some Church.

I believe there are not fewer than one hundred blacks, in the neighborhood of Asbury; and, in some other neighborhoods, there are still greater numbers. How strong are the claims of these people upon us! Among them your Missionaries will probably find the first fruits of their labors.

When some of our own countrymen shall have understood better the tendency of a religion which commands the obedience of servants, we may hope for equal success among thousands, who now, in a Christian land, are without Christian instruction. But, among the Indians, no groundless jealousies suspect the gospel of exciting men to blood. Where the gospel is not known, it at least cannot be misinterpreted.

Before I conclude this report, I beg leave to call your attention to the means of supporting our Missions.

It is but too well known how partially the resolutions of the last Conference have operated. The cent\* collections, have been much

\* The cent collection is a contribution of one cent, weekly. It is recommended that no individual contribute *more, in this way*, unless by subscribing for poor or dependent persons; but a subscription of a half or quarter cent should be received.

Those persons who may choose to serve the Mission interest, beyond the contribution of one cent weekly, or 50 cents yearly, may do so by donation, directed to the Superintendent of the Missions, or to the Treasurer of the Missionary Committee. Or their charity may be applied to support Missionaries within the conference district, by forwarding the amount they would give to the Stewards of the conference. Any travelling preacher would afford a safe conveyance for this.

neglected. In many places the subject has scarcely been named. I wish I could mention this, without blame to some of the preachers; but I believe, the truth will blame them.

I entreat the Conference not to abandon, but to enforce the resolutions of its former sitting. I beg that it be made the duty of preachers in charge, not only to name those resolutions to their congregations—but earnestly and affectionately to insist on a becoming regard to them. And that this be made their duty, under circumstances that will ensure compliance.

Early after our agreement with the Indians, I took the liberty to address a circular to the ladies of our congregations—requesting they would associate themselves to aid our Missions by providing clothes for the children. These circulars were sent to the towns and such populous country places, as I was acquainted with. The effect has been as was expected: clothes will be supplied; and, in some of these societies it is contemplated to aid us with money.

The collections I was charged to make, have amounted to three thousand five hundred and sixty-two dollars. In obtaining this sum, no man's feelings have been violated. Charity has been forced from no one. If the present shameful deficiency of the cent collections, oblige you to continue, *for a time*, this mode of obtaining moneys,\* it is not discredited. Your Agent might ask again of the same people, and they would give. But let it be understood that we are not beggars by design. Hereafter, we must see to it, that an efficient system supply our wants, in an ordinary way,

I lay before the Conference, and very respectfully submit to the Bishops, what has occurred to me, and is approved by the Missionary Committee, as probably describing a suitable economy for our Missionary department.

*For the permanent support of the Missions that are, or shall be undertaken by the Conference, it is recommended,*

1st. That each Presiding Elder use his best endeavors to induce the District and Quarterly Conferences to form themselves into Missionary Societies, Branches of our Auxiliary. That it be made the duty of the Presiding Elders to recommend the institution of such societies, wherever they can be organized. And that each of them do bring to the Conference, in writing, the number of Missionary Societies within his district; the names of places where they are located; the names of the officers of each Society; and the amounts forwarded from each, to the Auxiliary Missionary Society of South Carolina Conference. And that all this be appropriately entered in the annual report of the Missionary Committee.

2d, That it be made the duty of each preacher, in charge of a cir-

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\* For the present year, (1822,) the author is required to continue the collections for the last year; and he confidently relies on the charity of his brethren, and the friends of religion generally, to meet the wants of the Mission. After this, it is believed, that Missionary Societies, and the cent collections, will produce a sufficient support.

Donations to this object will be received thankfully, and shall be carefully accounted for.

cuit or station, with the aid of his helpers, to recommend perseveringly, to all the congregations of his charge, a proper attention to the cent collections. And that each preacher in charge, himself, or by some persons of his appointment, record the names of all who may contribute, and the amounts contributed at each preaching place; and report half yearly, to the chairman of the Missionary Committee, the number of persons contributing, and the amounts contributed on his circuit or station.

And that it be made the duty of every such preacher, to return to the Conference at each sitting thereof, the number who shall have contributed, and the amounts collected in his circuit or station, for the year then ended; and to pay to the treasurer of the Missionary Committee,\* the amount so collected. Which amount, and the number of persons contributing; and the name of the circuit or station; and the names of the preachers of the circuit or station, shall be entered in the annual report of the Missionary Committee.

*For the directing of the Missions generally; for the appropriation of moneys, &c.*

1st, That the present committee be enlarged to the number of † from among the members of the Conference, the local preachers, or the private members of the Church, at the discretion of the Bishops. Which committee, shall statedly meet half yearly; and be subject to the call of a Bishop, or of their Chairman, whenever an extra meeting may be thought necessary.

2d, That the Superintendent of the Indian Missions be, ex-officio, Chairman of the Missionary Committee.

3d, That five constitute a quorum, at all meetings of the Committee.

4th, That the Committee receive, on behalf of the Conference, the cent collections, and all other moneys that may belong to the Conference, for the use of Missions.

5th, That in the absence of a Bishop, the Superintendent of the Missions, with the advice of a quorum of the Committee, be authorized to employ teachers, workmen, and servants, for the Indian Missions.

6th, That, in the absence of a Bishop, and in the recess of the Conference, the Committee be authorized to appropriate moneys to Missionary uses.

\* Col. Richard A. Blount, is Treasurer of the Missionary Committee. His address, Lebanon, Washington county, Geo.

† On adopting the system here proposed, this blank was filled with the number *fifteen*. The following gentlemen constitute the Missionary Committee.

Rev. Lewis Myres,  
William M. Kennedy,  
James Norton,  
Joseph Galluchat,  
James O. Andrew,  
Daniel Hall,  
Benjamin Blanton,  
Samuel K. Hodges,

Rev. Thomas Darley,  
Lovick Pierce,  
Joseph Travis,  
Peter W. Gautier,  
Col. Richard A. Blount,  
Gen. David Meriwether,  
James Shackelford, Esq.

7th, That, in the absence of a Bishop, all appropriations be applied under the direction of the Superintendent of the Missions.

8th, That the Committee, by their Chairman, report annually to the Conference, of all the transactions of the Missionary Department.

*For the management of our Establishments among the Indians.*

1st, That the Superintendent\* of the Missions, visit each mission place half yearly, or oftener : in the absence of a Bishop, to take the oversight of the temporal and spiritual business of the Missions ; to change the Missionaries or Teachers, as occasion may require ; and to remove any improper persons from the Missions ; always leaving with the resident Missionary, a written statement of the cause or causes of ejection ; and allowing the ejected person an appeal to the Conference, or to the Committee, at the discretion of such person. But for the removal of a Missionary, previous advice of a quorum of the Committee shall be necessary ; and an appeal allowed to the Conference, only.

2d, That the resident Missionary at each Mission place, be rector of the school ; and, in the absence of the Bishop, and the Superintendent of the Missions, take the oversight of the whole establishment, at his location.

3d, That the resident Missionary, at each Mission place, with the advice of the Superintendent, or under the direction of a Bishop, draw up such regulations for the discipline of the school, the conduct of the children, and the government of the household, as may be judged necessary.

4th, That the resident Missionary, at each mission place, send to the Missionary Committee, half yearly, a statement of the number of children at school ; their advancement in learning ; and their general deportment ; of such occurrences at his establishment, as may be of general interest ; and of the receipts and expenditures, for the last six months.

5th, That the Missionary, at each establishment, keep a journal of all the proceedings, at his location, and a register of the names of the children, and the dates when each child shall have entered, or left the school.

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I submit to the Conference, an account of the collections I was directed to make ; and of the expenditures of the last year. It will be seen that these collections were not always taken up in Methodist Churches ; but always, they were the offering of a willing charity. My gratitude is due to many. The Rev. Mr. Murphy, of Medway, Rev. Mr. Scriven, of Sunbury, Rev. Mr. Davis, of Darien, Rev. Mr. Bell, of St. Mary's, Rev. Messrs. Scriven and Graham, of Beaufort, Rev. Mr. Nichols, of Coosawhatchie, Rev. Mr. Mathews, of St Helena, and Rev. Dr. Waddel, of Athens, will pardon me the liberty of naming them here.

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\*The author is at this time Superintendent of the Missions. The resident Missionaries are, Rev. Isaac Smith, and Rev. Hugh Hagill.

*The South Carolina Conference in Acct. with Wm. Capers, CR.*

|          |     |                                      |   |                                  |
|----------|-----|--------------------------------------|---|----------------------------------|
| 1821.    |     |                                      |   |                                  |
| January  | 20. | By donation from Benjamin Lawton,    | - | \$ 1 00                          |
|          |     | do Mrs. Lawton,                      | - | 93 $\frac{1}{2}$                 |
|          | 21. | do Mr. Wm. Wash,                     | - | 2 00                             |
|          | 28. | do Mrs. Anciaux,                     | - | 20 00                            |
|          | 30. | public collection, Purysburgh,       | - | 7 50                             |
|          |     | donation, Dr. Fickling,              | - | 5 00                             |
| February |     | do Mr. Serenus Mayer,                | - | 50 00                            |
|          | 31. | public collection, Black Swamp,      | - | 51 75                            |
|          |     | donation, Major John Maner,          | - | 5 00                             |
|          | 1.  | public collection, Coosawhatchie,    | - | 47 62 $\frac{1}{2}$              |
|          | 7.  | donation, Francis M. Stone, Esq.     | - | 30 00                            |
|          | 8.  | do Mr. John Carr,                    | - | 5 00                             |
|          | 15. | public collection, Connoochee,       | - | 1 $\frac{1}{2}$ 12 $\frac{1}{2}$ |
|          |     | donation, Mr. John McVean,           | - | 5 60                             |
|          | 16. | public collection, Riceboro'         | - | 95 18 $\frac{1}{2}$              |
|          | 17. | donation, Mr. Sam'l J. Bryan,        | - | 10 00                            |
|          | 18. | do a stranger,                       | - | 2 00                             |
|          | 19. | do Mr. Isaac Minis,                  | - | 20 00                            |
|          | 24. | do Mr. Guyton and others,            | - | 10 00                            |
|          | 25. | do a colored woman,                  | - | 25                               |
|          |     | public collection, Irwinton,         | - | 17 18 $\frac{1}{2}$              |
|          | 27. | do Lowry's M. H.                     | - | 17 68 $\frac{1}{2}$              |
|          | 28. | donation, Mr. Wm. P. Brown,          | - | 3 00                             |
| March    | 1.  | do Col. Richard A. Blount,           | - | 10 00                            |
|          |     | public collection, Saundersville,    | - | 20 00                            |
|          |     | donation from several persons, thro' |   |                                  |
|          |     | Rev. L. Webb,                        | - | 12 50                            |
|          | 3.  | public collection, Newhope M. H.     | - | 9 06 $\frac{1}{2}$               |
|          | 4.  | do Louisville,                       | - | 25 50                            |
|          | 6.  | do Waynesboro'                       | - | 40 25                            |
|          |     | donation, Mr. Carter,                | - | 10 00                            |
|          | 8.  | do Rev. Mr. Crawford,                | - | 10 00                            |
|          | 9.  | public collection, Tuckasaking,      | - | 7 93 $\frac{1}{2}$               |
|          | 11. | do Independent Pres-                 |   |                                  |
|          |     | byterian Church, Savannah,           | - | 243 62 $\frac{1}{2}$             |
|          | 16. | public collection, Sunbury,          | - | 35 00                            |
|          | 17. | do Darien,                           | - | 49 00                            |
|          |     | donation, Rev. Mr. Davis,            | - | 5 00                             |
|          | 20. | public collection, Glynn co. chapel, | - | 22 37 $\frac{1}{2}$              |
|          | 22. | do Newhope M. H.                     | - | 16 75                            |
|          | 23. | do Jefferson,                        | - | 9 75                             |
|          | 25. | do Presbyt'n Church,                 |   |                                  |
|          |     | St. Mary's,                          | - | 65 56 $\frac{1}{2}$              |
|          |     | do Methodist Church,                 |   |                                  |
|          |     | St. Mary's,                          | - | 22 37 $\frac{1}{2}$              |
|          | 27. | donation, a colored woman,           | - | 37 $\frac{1}{2}$                 |

*The South Carolina Conference in Acct. with Wm. Capers. Cn.*

|       |     |   |                      |
|-------|-----|---|----------------------|
| March | 29. | Contributed from Medway, in addition to the public collection at Riceboro', | 16 93 $\frac{1}{2}$  |
|       |     | donation, Rev. Mr. Murphy,  | 10 00                |
|       | 31. | do through Mr. Carter,  | 10 00                |
| April | 3.  | public collection, May River Church,  | 15 37 $\frac{1}{2}$  |
|       | 6.  | do St. Helena, do.  | 24 12 $\frac{1}{2}$  |
|       | 8.  | do Beaufort,  | 23 75                |
|       |     | donation, children of Mr. Joyner  | 2 00                 |
|       | 15. | public collection, Methodist churches Savannah,                             | 125 37 $\frac{1}{2}$ |
|       | 16. | donation, Mr. Prosser,  | 2 00                 |
|       | 18. | do an unknown person,   | 10 00                |
| May   | 25. | public collection, Milgrove M. H.   | 14 75                |
|       | 27. | do Georgetown,  | 108 00               |
|       |     | donation, Wm. Johnston, Esq.  | 10 00                |
|       |     | do Mr. Porter, sen.   | 5 00                 |
|       |     | do Dr. John Wragg,  | 5 00                 |
| June  | 4.  | do thro' Rev. Mr. Morgan,   | 5 00                 |
|       | 6.  | do Mr. David Dannelly,  | 5 00                 |
|       |     | do Rev. W. M. Kennedy   | 5 00                 |
|       | 7.  | do Mrs. Esther Neville,   | 6 00                 |
|       |     | do Miss Eliza Pierce,   | 1 00                 |
|       | 8.  | do Mrs. Pinckney,   | 5 00                 |
|       | 9.  | do thro' Rev. Mr. Galluchat,  | 5 00                 |
|       | 11. | do infant of the Rev. W. M. Kennedy,  | 2 00                 |
|       | 12. | do Rich'd Brennan, Esq.   | 5 00                 |
|       | 13. | do Rob. Y. Hayne, Esq.  | 20 00                |
|       | 14. | do Mrs. Rob't B. Gibbes,  | 5 00                 |
|       |     | do Mr. Wilden,  | 5 00                 |
|       |     | do Capt. James Hibben   | 5 00                 |
|       |     | do several col'd persons,   | 1 00                 |
|       | 15. | do John Brownlee, Esq.  | 20 00                |
|       |     | do Rev. Duke Goodman,   | 50 00                |
|       | 6.  | do Mr. Swinton Bennett,   | 10 00                |
|       |     | By donation thro' Mrs. Scaver,  |                      |
|       |     | do Mrs. Sarah Legare,   | 5 00                 |
|       |     | do T. Jones, Esq.   | 5 00                 |
|       |     | do Mrs. Jones,  | 5 00                 |
|       |     | do Mrs. Williams,   | 3 00                 |
|       |     | do Mrs. F. G. Delieesseline,  | 5 00                 |
|       |     | do Mary Jackson, (of color,) through Miss C. Munds,                         | 2 00                 |
|       |     | do Miss Munds and others,   | 27 00                |
|       |     | do Mrs. A. Black,   | 10 00                |
|       |     | do Col. S. Magwood,   | 5 00                 |
|       |     | do Mrs. M. Gaillard,  | 5 00                 |

*The South Carolina Conference in Account with William Capers, Ch.*

|      |     |   |        |
|------|-----|---|--------|
| June | 16. | By donation through Miss S. Walnock,    |        |
|      |     | do Miss Walnuck and others, }           | 15 00  |
|      |     | do Mr. Robert Little,                   | 10 00  |
|      | 17. | do children of Rev D. Goodman           | 6 00   |
|      |     | donation Mrs. C. A. Spidle,             | 5 00   |
|      |     | do Mrs. M. Lathrop,                     | 5 00   |
|      |     | do through Mrs. Just,                   | 5 00   |
|      |     | do Mrs. Ann J. Miller & others          | 40 12½ |
|      |     | public collection in the several Metho- |        |
|      |     | dist churches in Charleston,            | 391 00 |
|      |     | donation by Mrs. Prince,                | 1 00   |
|      |     | do Mrs. Smith,                          | 20 00  |
|      |     | do William Clarkson, Esq.               | 20 00  |
|      |     | do John F. Knox, Esq.                   | 5 00   |
|      |     | do Mr. Inglis,                          | 5 00   |
|      |     | do John Burnett, Esq.                   | 10 00  |
|      |     | do Mrs. Margaret Twing,                 | 5 00   |
|      |     | do Rev. Dr. Benj. Palmer,               | 10 00  |
|      |     | do James Jervey, Esq.                   | 5 00   |
|      |     | do Thomas S. Grimke, Esq.               | 20 00  |
|      | 18. | do the African Society through          |        |
|      |     | Morris Brown,                           | 20 00  |
|      |     | do a colored person,                    | 25     |
|      |     | do Mary Harrison,                       | 2 00   |
|      |     | do James George, Esq.                   | 10 00  |
|      | 24. | Public collection, Bradford's M. H.     | 35 50  |
|      | 28. | By donation, Mrs. R. Blanding,          | 5 00   |
|      | 30. | do Mr. Daniel Faust,                    | 5 00   |
| July | 2.  | do John Taylor, Esq.                    | 5 00   |
|      | 3.  | do Major Benjamin Hart,                 | 5 00   |
|      |     | do Mr. Robert Waring,                   | 2 00   |
|      | 4.  | Public collection, Columbia, S. C.      | 65 50  |
|      |     | Donation, two colored women,            | 25     |
|      |     | do a colored woman,                     | 50     |
|      | 5.  | do Z. Rudolph, Esq.                     | 10 00  |
|      | 12. | do Mr. W. McGibony,                     | 25     |
|      | 13. | do Col. George F. Foster,               | 1 00   |
|      |     | do Mr. Winfield,                        | 1 00   |
|      |     | do Mr. Patillo,                         | 50     |
|      |     | Public collection, Greensboro'          | 31 33  |
|      | 15. | do do Madison,                          | 15 00  |
|      | 16. | Donation, Mr. Wm. Barrow,               | 2 00   |
|      |     | do Mr. E. C. Wittich,                   | 3 00   |
|      | 17. | do Children of Salem Academy,           | 21 87½ |
|      |     | Public collection, Salem, Geo.          | 16 50  |
|      |     | Donation, Rev. Joseph Tarpley,          | 5 00   |
|      |     | do Mrs. Tarpley,                        | 5 00   |

Dr.

*The South Carolina Conference*

| 1821.    |     |   |   |          |
|----------|-----|---|---|----------|
| June     | 6.  | To printing circulars,                  | - | \$ 16 00 |
| October  | 22. | one horse for the Mission at Asbury,    | - | 70 00    |
|          |     | one dearborn wagon, for do.             | - | 80 00    |
| November | 21. | suiting wagon for two horses,           | - | 8 75     |
|          |     | harness for do                          | - | 25 00    |
|          |     | sundries, as per bills of several mer-  |   |          |
|          |     | chants and others, of Augusta, viz :    |   |          |
|          |     | per bill of N. L. & S. Sturges,         | - | 7 62½    |
|          |     | W. H. Oathman,                          | - | 6 87½    |
|          |     | Joseph Airey,                           | - | 108 94   |
|          |     | P. Stovall,                             | - | 36 50    |
|          |     | A. R. Ralston,                          | - | 66 59½   |
|          |     | John & T. Bones,                        | - | 25 25    |
|          |     | Dr. M <sup>r</sup> Farlane,             | - | 7 62½    |
|          |     | Reuben Leggett,                         | - | 8 68½    |
|          |     | 1 steel mill, \$10 ; 1 box glass, \$5,  |   | 15 00    |
|          | 30. | freight of sundries to Milledgeville,   |   | 15 16    |
|          |     | printing circulars,                     | - | 5 00     |
| December | 3.  | sundries, as per bills of several mer-  |   |          |
|          |     | chants and others, of Milledgeville,    |   |          |
|          |     | viz :                                   |   |          |
|          |     | per bill of Foard & Malone,             | - | 51 30    |
|          |     | C. Rowe,                                | - | 37½      |
|          |     | T. Bird,                                | - | 75       |
|          |     | Sanford & Monghon,                      | - | 12 50    |
|          |     | Mrs. Darnell,                           | - | 4 25     |
|          |     | Philip Cook,                            | - | 7 00     |
|          |     | Ginn & Curtis                           | - | 8 52     |
|          |     | Appleton Rosseter,                      | - | 4 00     |
|          |     | Jaillet & Buchanan,                     | - | 24 50    |
|          |     | Wiley & Baxter,                         | - | 17 75    |
|          |     | Bevins & Dannelly,                      | - | 5 00     |
|          |     | wages in advance to Jacob Choat,        | - | 75 00    |
|          | 6.  | sundries, as per bills of several mer-  |   |          |
|          |     | chants and others in Clinton, viz :     |   |          |
|          |     | per bill of Wm. H. Imlay,               | - | 87½      |
|          |     | Elisha Tarver,                          | - | 3 95     |
|          |     | Evans Myrick,                           | - | 10 78    |
|          |     | H. & A. Bradley,                        | - | 1 00     |
|          |     | Ingersol & Ross,                        | - | 6 00     |
|          | 12. | freight of sundries to Asbury,          | - | 75 00    |
|          | 17. | travelling expenses of Rev. C. G. Hill, |   |          |
|          |     | fr. Black Swamp Circuit to Asbury,      | - | 6 31½    |
|          |     | board of Rev. C. G. Hill, fr. Nov. 4,   |   |          |
|          |     | to December 10,                         | - | 47 62½   |
|          |     | 1 quarter's salary of Rev. C. G. Hill,  | - | 25 00    |



in account with Wm. Capers.

Ca.

|        |     |  |         |
|--------|-----|--|---------|
| July   | 17. | Donation, infant son of Mr. Tarpley,                   | 1 00    |
|        |     | do. Rev. Reuben Tucker,                                | 1 00    |
|        |     | do. Rev. Jesse Sinclair,                               | 2 00    |
|        | 18. | Public collection, Athens,                             | 29 00   |
|        |     | Donation, Rev. Dr. Waddel,                             | 5 00    |
|        |     | do. Mr. James P. Waddel,                               | 4 00    |
|        | 20. | Public collection, Lexington,                          | 22 95   |
|        | 22. | do. do. Elberton,                                      | 9 00    |
|        |     | Donation, Dr. Cloud,                                   | 5 00    |
|        | 25. | Public collection, Ilium, M. H.                        | 7 68½   |
|        | 26. | do. do. Pope's Chapel,                                 | 22 81½  |
|        | 27. | do. do. Washington,                                    | 34 75   |
|        | 29. | Donation, Mr. Stewart,                                 | 1 00    |
|        |     | do. Mr. Dugass,  | 1 00    |
|        | 30. | Public collection, camp meeting, Columbia county, Geo. | 137 37½ |
|        |     | Donation, Mr. Washington Stone,                        | 1 00    |
|        |     | do. Mr. Abner Manley,                                  | 1 00    |
|        |     | do. Mr. James Stapler,                                 | 1 00    |
|        |     | do. Mr. Wm. Analey,                                    | 50      |
|        |     | do. Mr. Hoge,  | 50      |
|        |     | do. Mrs. Elizabeth Bush,                               | 2 00    |
|        |     | do. Mr. James Wright,                                  | 1 00    |
|        | 31. | do. Mr. Hezekiah Young,                                | 93½     |
|        |     | do. Mr. Wm. Riley,                                     | 40      |
|        |     | do. Mrs. Pogue,  | 25      |
| August | 2.  | public collection, Edgefield C. H.                     | 48 00   |
|        | 5.  | do. Camden,  | 53 35   |
|        |     | donation, Mrs. Cureton,                                | 1 00    |
|        | 6.  | do. Mrs. Lane,   | 1 00    |
|        |     | do. persons unknown                                    | 2 50    |
|        | 19. | do. Miss Alethea Stark,                                | 1 00    |
|        | 21. | do. Mr. Gray,  | 1 00    |
|        |     | public collection, Wrightsboro'                        | 27 62½  |
|        |     | donation, Mrs. Eliza Hannon,                           | 2 90    |
|        |     | public collection, Bonner's M. H.                      | 14 00   |
|        | 22. | do. Warrenton,   | 32 62½  |
|        | 23. | do. Powelton,  | 28 00   |
|        | 24. | do. Sparta,  | 52 81½  |
|        |     | donation, Mrs. E. J. Frazer                            | 10 00   |
|        |     | do. Capt. Jno. Abercrombie,                            | 10 00   |
|        | 25. | public collection, Milledgeville,                      | 62 31½  |
|        |     | donation, Miss Ann Kirkley,                            | 5 00    |
|        |     | do. Mr. Hopper,  | 1 00    |
|        |     | do. Mrs. Snow,   | 40      |
|        | 28. | public collection, Clinton,                            | 84 93½  |
|        |     | donation, person unknown,                              | 1 00    |

De.

*The South Carolina Conference*

|                    |     |  |   |              |
|--------------------|-----|--|---|--------------|
| December           | 17. | 1 beef for workmen at Asbury,                                    | - | 23 75.       |
|                    | 28. | hire of Mr. Cawley 3 w'ks from 6th inst.                         | - | 15 00        |
| 1822.              |     |  |   |              |
| January            | 6.  | hire of Arch'd Chapman, 1 m'th to date                           | - | 22 50        |
|                    |     | hire of Miles Moor, 1 month,                                     | - | 20 00        |
|                    |     | V. R. Coursey, 1 do.   | - | 16 00        |
|                    |     | A. Coursey, 1 do.  | - | 20 00        |
|                    |     | J. Griffin, 1 do.  | - | 20 00        |
| February           | 6.  | A. Coursey, 1 do.  | - | 21 00        |
|                    |     | J. Griffin, 1 do.  | - | 21 00        |
|                    |     | Mr. Clark, (carpenter,) two months,                              | - | 65 00        |
|                    |     | Miles Moor, one month,   | - | 20 00        |
|                    |     | Wm. Chapman, two months,   | - | 40 00        |
|                    |     | Mr. Choat, (carpenter,) from 5th to 23d January                  | - | 45 00        |
|                    | 12. | extra work done at Asbury,                                       | - | 27 50        |
|                    |     | sundries bought for use of the Mission, by Rev. C. G. Hill,      | - | 7 43½        |
|                    |     | postage,   | - | 50           |
|                    |     | table expenses of Rev. C. G. Hill and workmen up to date,        | - | 123 18½      |
|                    | 15. | hire Abel and Davy, (sawyers,) from December 5th, to date,       | - | 102 75       |
|                    |     | hire of Kit, at \$ 20 per month,                                 | - | 102 75       |
|                    |     | cash left with Mr. Clarke for supplies,                          | - | 15 00        |
|                    | 21. | travelling expenses of Rev. C. G. Hill to Conference,            | - | 11 43½       |
|                    |     | travelling expenses of Wm. Capers, from Jan. 1821, to this date, | - | 246 00       |
|                    |     |  |   | <hr/>        |
|                    |     |  |   | \$ 1,814 18½ |
| To balance on hand |     |  |   | 1,748 40½    |
|                    |     |  |   | <hr/>        |
|                    |     |  |   | \$ 3,562 59  |

in account with William Capers.

On.

|               |                                |   |            |
|---------------|--------------------------------|---|------------|
| August 22.    | donation, a colored woman,     | - | 6½         |
|               | do Bulloch & Wells,            | - | 5 00       |
|               | do Major Hughes,               | - | 1 00       |
|               | do Captain Darragh,            | - | 1 00       |
|               | do Mr. Butler,                 | - | 1 00       |
|               | do Mr. Ross,                   | - | 1 00       |
| September 10. | do Rev. Mr. Duffie,            | - | 5 00       |
| October 3.    | do Mr. William Pou,            | - | 5 00       |
| November 18.  | public collection, Augusta,    | - | 212 46     |
| 19.           | donation, Mrs. Barnes,         | - | 10 00      |
| 20.           | do Rev. Mr. Moderwell,         | - | 5 00       |
| 30.           | do Mr. Henry W. Malone,        | - | 10 00      |
| December 23.  | public collection, Monticello, | - | 23 37½     |
| 25.           | do Eatonton,                   | - | 45 46½     |
| 1822.         |                                |   |            |
| February 21.  | interest on \$492,             | - | 15 30      |
|               |                                |   | <hr/>      |
|               |                                |   | \$3,562 62 |
|               |                                |   | <hr/>      |

By amount remaining in the hands of  
Missionary Committee, - 1,748 40½

*Certificate of Missionary Committee.*

The undersigned, Ministers of the South Carolina Conference of the Methodist Episcopal Church, and members of the Missionary Committee of said Conference, do certify, that a copy of a memorial sent up to the Department of War, by our chairman, the Rev. William Capers, having been read to us in committee at our last meeting, held in Charleston, South Carolina, on the 17th February last, as an accompaniment of our report to the Conference, was by us and by all the committee approved, and is approved, as far as we have any knowledge, as giving a faithful account of the views which the committee have entertained, and measures which it has taken or directed, with respect to the causes, continuance, and probable issue of the difficulties which have been thrown in the way of our mission among the Creek Indians. And, particularly, that the statements therein contained respecting the negotiation between brother Capers and the Indian Council, in November, 1821, and the details of the transaction of June 17th, 1822, are the same which; from these dates respectively, we have always heard him state until now; and that the representations made in the memorial respecting the deliberations and conclusions of the Missionary Committee, in July, 1822, founded upon the unhappy affair of 17th June, and also our subsequent deliberations and decisions, particularly in June, 1823, are justly and truly set forth, (whether mistaken or not,) the Committee always concurring with our beloved and tried brother in the opinion that an appeal to the Government ought to be its last resort, and this for the reasons given in the memorial.

And we farther certify the fact, as stated by brother Capers, that he did obtain leave to recommit our report made to the Conference in February, 1823, for prudential reasons, and that its publication was delayed until a late day of that year, as stated in the memorial.

The undersigned farther certify their unqualified belief, that the memorial, altogether, is a faithful history of the misfortunes of the Mission, and gladly assert that it was produced at the instance and in behalf of the Missionary Committee, acting with no other design, wish, or intention, than to promote the interests of religion.

LEWIS MYERS,  
WM. M. KENNEDY,  
JAMES NORTON,  
LOVICK PIERCE,  
JAMES O. ANDREW,  
SAMUEL R. HODGES.

*Geo. Troup to the President of the United States, relative to the dividing line between Georgia and Alabama, and enclosing resolutions of the Legislature of Georgia on the subject.*

EXECUTIVE DEPARTMENT, GEORGIA,  
Milledgeville, 17th March, 1824.

You will perceive, by the enclosed resolutions, passed by the Legislature of this State, on the 29th November, 1822, their anxious desire that the dividing line between Georgia and Alabama should be run. In the expression of this desire, the Legislature of Alabama have concurred. I ask the favor of the President to hasten the accomplishment of this object, and to cause me to be notified when the Government of the United States are prepared for it.

With high consideration and respect.

G. M. TROUP.

The PRESIDENT of the U. States.

*Documents relative to the Negotiations at Broken Arrow, in December, 1824.*

IN THE HOUSE OF REPRESENTATIVES,  
November 15, 1822.

The dividing line between this State and the State of Alabama never having been run, in conformity with the articles of agreement and cession entered into on the 24th day of April, 1802, between the Commissioners of the State of Georgia, on the one part, and the Commissioners of the United States, on the other part, from the mouth of Uchee Creek, on the Chatahoochie river, thence in a direct line to Nickajack, on the Tennessee river; and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians, which must bound upon said line; and as it is highly important to the two States, for various considerations, that said line should no longer remain undefined by the proper and usual marks: and the Legislature being of opinion that said articles of agreement and cession render it obligatory on the United States to cause said line to be run, and at the expense of the General Government:

*Resolved*, That the Governor be requested to take as speedy measures as possible, to present this subject to the President of the United States, and to bring the same before Congress, if necessary, for the purpose of procuring the said line to be run as early as possible.

*Resolved*, That the Governor be authorized to appoint two fit and proper persons, one of whom shall be an artist, to accompany such person or persons as may be appointed on the part of the United States to run said line.

*Resolved*, That the Governor of this State communicate the above resolutions to the Executive of the State of Alabama, and solicit the concurrence of that State to the same, and to appoint one or more persons to attend to the running of said line.

Approved: November 29th, 1822.

IN SENATE—November 21st, 1823.

The Committee on the State of the Republic, to whom was referred that part of the communication of his Excellency the Governor, relative to running and marking the dividing line between this State and the State of Alabama, report :

That the subject of this reference is one of much interest to this State, and to your committee it appears, under existing circumstances, important that the running and marking of this line should be completed as soon as practicable. They therefore respectfully recommend the following resolution :

*Resolved*, That his Excellency, the Governor, be requested to continue those exertions which have already been commenced to ensure a speedy running and marking of the line dividing this State from the State of Alabama, in pursuance of a resolution of the last General Assembly.

Approved : November 28th, 1823.

*Secretary of War to the Speaker of the House of Representatives.*

DEPARTMENT OF WAR,

February 5, 1825.

SIR: In compliance with the resolution of the House of Representatives of the 1st inst. directing the Secretary of War to lay before the House "a copy of the report of the Commissioners appointed by the President to treat with the Creek Indians for the extinguishment of their claim to lands lying within the State of Georgia; of the journal kept by the said Commissioners, and of the correspondence respecting the causes that have prevented them from effecting the object of their appointment; and also a copy of all the letters written to the Creek Indian Agent, on that subject, from the Department of War," I have the honor to transmit, herewith, the enclosed copies of all the papers, numbered from 1 to 10, called for by said resolution. A copy of the original instructions to the Commissioners is also enclosed.

I have the honor to be, your most obedient servant,

J. C. CALHOUN.

To the Hon. the SPEAKER  
of the Ho. of Reps. U. S.

*Report of the Commissioners appointed to treat with the Creek Indians.*

CITY OF WASHINGTON,

8th January, 1825.

SIR: The Commissioners appointed by the General Government to hold a treaty with the Creek Nation of Indians, for the acquisition of territory, met at the Broken Arrow, an Indian town on the Chatahoochie, on the 29th November last. The negotiation was com-

monced on the 1st December, with the Chiefs of the Nation, in number about two hundred. There were in attendance, however, from six to ten thousand of the inhabitants of the country. Our proceedings were necessarily protracted on account of our exposed situation, at an inclement season, and the obstacles which we had to encounter. Having continued in session from 1st to the 18th of December, we resolved upon a temporary adjournment, that we might be enabled to communicate with the Government upon points materially affecting our future operations. For this purpose, I have visited this place, and now do myself the honor of submitting to the Department, as well the proceedings which have already occurred, as the prospective arrangements which we hope to effect.

From the discussions which have been had, great in number and variety, upon the subject of our relations with the Indian tribes within the limits of States, we are very certain that we do not err in concluding that it is the wish, as well as the policy, of the Government, that the land claim of such tribes should be extinguished, and their removal effected. To produce such desired end, the Commissioners have exerted every mean which it was in their power to control. Had the authorities and people of the nation been left to the free and unrestrained exercise of their own inclinations and judgment, we believe that our success would have been commensurate with our wishes and propositions. From the outset, it was impossible not to perceive a very striking difference between the sentiments and deportment of the Chiefs of the upper and lower towns. This local distinction applies itself to the settlers upon the Tallapoosa, and those upon the Chatahoochie. The former are principally under the control of the Big Warrior, and the latter of General McIntosh. The former were stubborn and unyielding, while the latter considered our proposition as reasonable, and were disposed to its acceptance. A treaty could have been obtained, signed by a large majority of the Chiefs within the Georgia limits, ceding the territory which they occupy, and we doubt not but that there would have been a striking unanimity on the part of the population, but for the threats and intimidating language which had been industriously circulated. These are contained in the written proceedings of the two meetings, held by a portion of the Chiefs, at Tuckabatchee, in May, and at the Pole Cat Springs, in November last. The first of these meetings seems to have been produced, in some measure, by a communication made by John Ross, a Cherokee Chief, to the Big Warrior, immediately after his return from this place, in the Spring of the last year. His communication was accompanied by manuscript copies of the whole proceedings which occurred shortly previous, with that tribe. With the precise tenor of Ross's letter we could not inform ourselves, but understood that it proposed a concert of action between the two tribes; that it earnestly advised a resistance of the policy of the Government, and that its further aim was to depreciate McIntosh, and to destroy his standing and influence. The course prescribed seems to have been scrupulously pursued, for, at the meeting at Tuckabatchee, the resolution was, to "follow the pattern of the Cherokees, and, on no

account whatever, to consent to sell one foot of land, neither by exchange nor otherwise." This meeting was attended exclusively by chiefs within the Alabama limits. The proceedings of this meeting were in the presence of, and reduced to writing by, Captain Walker, the sub-agent, and carried, shortly after, in June, to the Broken Arrow, by the Big Warrior, and submitted for sanction. No objection was made, except by McIntosh; neither do we understand that any direct sanction was obtained. The time which transpired between the period of this meeting, and the subsequent meeting at the Pole Cat Springs, in November, seems to have been industriously employed in confirming the decision of the upper town Chiefs, and in exciting and cherishing the fears and alarms of McIntosh and his adherents.

The second meeting at the Pole Cat Springs was at the house of the sub-agent, and, as on the previous occasion, he was the writer of the state paper, and immediately afterwards caused both to be published in the newspapers of Alabama. A paper containing these publications accompanies this statement. Of the existence of these proceedings by which the question was prejudged, and the commission forestalled, we had no knowledge until we obtained it casually on our way to the treaty. Under these disadvantages, the negotiation was commenced, and the journal of our proceedings, herewith furnished, will serve to shew, to some extent, the manner in which it was pursued. The Commissioners were dependent solely upon their own exertions. They derived no aid from the principal agent, and encountered the perfidious opposition of his assistant. I may not, Sir, have a proper apprehension of the duties and obligations of the agent's department; but according to my convictions, a furtherance of the views and policy of the Government should form its paramount consideration. The agent, however, entertains a different sentiment, and professes to pursue the course of strict neutrality. As against the agent, we make no charge of interference. But that Captain Walker has prostituted the duties of his office, and wantonly intermeddled, we have no hesitation in alleging. If these people are capable, they are not inclined to draw the distinction, and therefore give to the conduct of Captain Walker the sanction of the agent's department.

I have thus, Sir, enumerated some of the causes which operated, what our adversaries are pleased to regard an entire defeat. We are far, however, from considering that we have failed in laying the ground work of the most pleasing and satisfactory success. The letter which I had the honor to address to the Department, from Augusta, in November, 1823, in which allusion is made to the sentiments of Gen. McIntosh, has been used as an instrument in the hands of his enemies, for the purpose of lessening his influence, and of bringing him into contempt among his own people. Satisfied, as I am, that nothing which I then said, or which I shall now say, ought rightfully to have such tendency, I shall proceed to detail some further proceedings, with which that individual is particularly connected. So long as the negotiation was conducted with the council generally, no answer was received, other than a prompt rejection of every proposition which was submitted. We were aware that individuals



sitting in council acquiesced in such refusal, who are heartily disposed to a cession, but were held in restraint by the intimidating language of the adverse party. We made access to a number of chiefs of this description, and received from them a full disclosure of their feelings, wishes, and difficulties. A treaty could have been obtained, signed by a full representation of chiefs from all the towns within the limits of Georgia. The population contained within those limits is represented, by the agent, to be about ten thousand; and, also, to be the one-half of the whole nation. Such treaty would have extinguished the Indian claim to all lands within the limits of Georgia, and would have effected the removal of that number of Indians beyond the Mississippi. To the conclusion of such a treaty, at the time, and under the circumstances, two difficulties presented themselves. We had commenced our negotiation with the entire nation, represented by a National Council. After doing this, we were not fully satisfied that a treaty, obtained from a divided council, sitting at a different place, would have met the sanction of the Government. Its rejection would have reduced its signers to the grade of common Indians, and perhaps have exposed their persons to the severest vengeance of the opposing party. It was, therefore, thought most expedient to come to a temporary adjournment, and consult the Government in relation to the exigency. The authority of the Executive is asked to convene the chiefs within the limits of Georgia; to negotiate with them exclusively, if we think, proper, or inclusive of a deputation of chiefs from the Upper Towns, if such deputation should present themselves, and evince a disposition to negotiate to further extent. The success of any future operation depends solely upon the decision to be made upon this proposition. The grant of such authority, with positive certainty, will result as I have stated. If it be considered as inconsistent, or impolitic, then any further prospect of acquiring lands of the Creeks, by the process of negotiation, may be considered as closed. Much conversation was held with General McIntosh concerning the details and consequences of such an arrangement. He is the only Indian with whom I have ever conversed, who seemed to comprehend rightly the connexion between the Indian tribes and the Government of the United States.

If others have the like legal view of their condition, they have never had the candor or magnanimity to express it. He seems to appreciate, very feelingly, the manner in which the tribe has been cherished, and the very humane and advantageous policy suggested by the President and the Department, of concentrating all the tribes in compact settlements, beyond the Mississippi. In effecting this design, he will have it in his power to be eminently useful. Himself and his followers, ten thousand in number, would form the largest tribe in the West, and, by example and invitation, would induce others to join them. It is sanguinely believed, that, even at the outset, if such arrangement were about to occur, that the nation would not permit itself to be divided, but that the whole would come in, and that the removal would be general and entire. But if this desirable end could not be produced at once, the emigrating party would very

speedily drain from our limits those who might remain. For considerations like these, I view it as matter of great moment to maintain McIntosh in his authority and influence, and in his estimation of himself. I beg to be pardoned for suggesting that I consider this much his due, from the important military services which he has rendered the United States. He stands very differently in point of merit, from his principal opposer, the Big Warrior; and the like difference would be found in a comparison of the followers of the one with those of the other. He has been to the West himself, and has the judgment to discover, and the candor to acknowledge, the superior advantages of a location in that quarter. He would have preferred the territory selected by the Choctaws, but has no objection to a settlement still further West. The emigrating party are desirous that as little time should be lost as possible. They will send out an exploring committee, and wish to avail themselves of the Spring and Summer of this year, for that purpose. They are desirous, also, that the period of their removal should not be beyond the next Fall. Such promptness and expedition cannot be otherwise than acceptable to the Government. It will be particularly so to the States which are interested. It is proposed by the emigrants themselves, to relieve the Government from the entire expense and detail of transportation. A particular sum, not unreasonable or excessive in amount, will be stipulated to be given, which they will receive and disburse themselves, considering it is a full indemnity for the improvements which they abandon, the expenses which they may incur, either in transportation or the purchase of necessaries to sustain them in their new settlement.

Upon the subject of the Government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of chiefs, of various grades of authority. The Big Warrior is head chief of the Upper Towns, and McIntosh of the lower. He is also Speaker of the Nation. The Little Prince is highest in authority, being Head Chief of the Nation, and has been uniformly the friend and adherent of McIntosh. In the present negotiation he considered himself bound by the sanction he had given to the proceedings at Tuckabatchee and Pole-Cat Springs. His attendance at those meetings we consider to have been insidiously procured.

The attendance of the head chief of the Cowetau Town was procured in like manner, at the last meeting at Pole Cat Springs. The name of this chief, as assigned to the proceedings, is Tomme Tustunugga. I received the statement from himself, that he had been taken in, and imposed upon, and that he should not hold himself bound by the supposed pledge. This Cowetau Town is the most extensive and numerous in the nation, and claims to be the original town of the whole tribe, and that all others are its branches. In proof of this priority of standing, I beg leave to refer you to our Journal, which contains a communication from the Council, of the 11th of December, in which they say that "the first red people that ever visited the whites, were from the Cowetau Town." The like proof was contained in an ob-

servation of the Little Prince, during the negotiation. In argument, an old treaty was referred to, which had been concluded between the Creeks and the State of Georgia. Its authenticity was denied, on the ground that "no Cowetau chief had signed it." Cowetau is on both sides of the Chatahoochie; contains M'Intosh, the Little Prince, Tomme Tustunnugga; and extends from Broken Arrow to the Cherokee boundary. It is worthy of remark, that the treaty of 1821, concluded at the Indian Springs, is signed by but two chiefs on the Alabama side of the nation. The fact is, that M'Intosh maintains the right of the Cowetau Town alone, to dispose of the whole country. It would seem that the upper towns conceded this authority, and dreaded its exercise; for the utmost consternation was discoverable wherever it was known that commission [the commissioners] and the Cowetau chiefs had had an interview.

Thus, Sir, have I hastily detailed to you the obstacles which we had to encounter; the foundation which we laid; the prospective advantages which are held out to us; the manner of their attainment, and a very imperfect history of the relative powers of the Creek towns. I shall be gratified if the sketch shall be found to contain the information required. If it does not, its defects may probably be supplied by reference to myself; and [I] hope that such reference may be made, without reserve, as often as necessary.

I would add, very respectfully, that an early decision is desirable. It is in contemplation to return to the Creek country, re-assemble the chiefs by the 5th February, and transmit the treaty in time for the adjudication of the present Senate.

With great consideration and esteem, I have the honor to be, Sir, your obedient servant,

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN,  
*Secretary of War, Washington City.*

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*Secretary of War to Col. Campbell.*

WAR DEPARTMENT,

16th July, 1824.

SIR: Major James Meriwether and yourself, have been appointed, by the President, Commissioners to treat with the Creek Indians, and I accordingly, enclose herewith your Commission. and instructions.

Major Meriwether is notified of the appointment, and furnished with a copy of the instructions.

I have the honor to be,

Your obedient serv't.

JOHN C. CALHOUN

Col. DUNCAN G. CAMPBELL,  
*Commissioner, &c.*  
*Washington, Georgia.*

*Colonel Campbell to the Secretary of War.*

WASHINGTON, 27th July, 1824.

SIR: I had the honor of receiving yours of the 16th instant, accompanied by a commission to Major Meriwether and myself, to hold a treaty with the Creek Nation of Indians. The instructions under which our proceedings are to be conducted, have also been received. I have this day written to the Creek Agent, Col. Crowell, upon the subject of the contemplated treaty, and have an expectation of seeing the other Commissioner this week, at Athens.

The President and Department will please accept my acknowledgments for this additional mark of confidence, and the pledge of my best exertions, to accomplish the business of the appointment.

With great consideration and esteem,

I am, &c. &c.

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN.

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*Secretary of War to Messrs. Campbell and Meriwether.*

DEPARTMENT OF WAR, 19th July, 1824.

GENTLEMEN: Upon reflection, it is thought proper to defer transmitting the funds, for the expenses of negotiating with the Creeks, until you have apprized the Department of your acceptance, and of the time at which the funds will be required. On the receipt of such information the funds will be forwarded.

I have the honor, &c.

JOHN C. CALHOUN.

Col. DUNCAN G. CAMPBELL, and

Maj. JAMES MERIWETHER.

Commissioners, &c.

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*Colonel Duncan G. Campbell to Colonel John Crowell.*

WASHINGTON, 27th July, 1824.

DEAR SIR: By the last mail, I received a communication from the Secretary of War, advising me of the appointment of Commissioners, to treat with the Creek nation of Indians, for the acquisition of territory within the limits of Georgia. Before this reaches you, you will, no doubt, receive the like information. Being instructed to correspond with you upon the subject of the proposed treaty, I am happy that an acquaintance will authorize a free discussion of all matters connected with the subject. Having so recently heard of the appointment, I have not yet had an opportunity of seeing my colleague, Major Meriwether. We shall, no doubt, have an interview next week at Athens, where we shall, probably, digest some plan for our future operations. In the mean time, will you do me the favor to give me your views as to the most convenient time and place

of having the convention? Say, also, what number of Indians may be expected to attend; what length of time we shall probably be engaged in the negotiation; and what will be the most advisable mode of supplying rations, at the least expense.

I am, &c.

DUNCAN G. CAMPBELL.

Col. JOHN CROWELL.

*Colonel Campbell to the Secretary of War.*

WASHINGTON, August 8, 1824.

SIR: Since writing you on the 27th, I have received yours of the 19th ult. relating to the transmission of the funds for negotiating with the Creeks. The Department will please consider us as having accepted the appointment of Commissioners. I have lately seen Major Meriwether; but not having heard from the agent, Colonel Crowell, we were unable to fix, definitely, upon the time of holding the treaty. We spoke of the 1st of November, as well suited for the occasion, and shall direct our arrangements to that period, unless the agent furnishes some satisfactory reason to the contrary. A young gentleman who resides at the agency reached here yesterday, and informs me that the agent received communications from the Department and myself at the same time, and at the moment of setting out for Savannah; that he will be here on the 15th inst., on his return. I shall avail myself of the opportunity of the interview, to acquire, in detail, all the information necessary to our future operations. The agent is intelligent and communicative, and, I am certain, will afford us all the facilities within his control.

I have, &c. &c.

DUNCAN G. CAMPBELL.

The Hon. JOHN C. CALHOUN.

*Secretary of War to Colonel Campbell.*

DEPARTMENT OF WAR.

September 13th, 1824.

SIR: In drawing up your instructions, as Commissioner to treat with the Creek Indians, the subject of exchange of territory did not escape the attention of the Department; but there is, at present, no tract of land on the West of the Mississippi to which the Indian title is extinguished, that could be offered in exchange. Such being the fact, it was believed that no arrangement could take place on the principle of exchange of territory, that would be satisfactory to the Creeks. If, however, you should find there is any likelihood of making the exchange, the Government would prefer that to any other arrangement; but such an arrangement would have to be conditional upon the extinguishing the Indian title to the tract that may be designated West of the Mississippi. Should any such tract be condi-

tionally designated, West of our settlements, the Government would immediately make arrangements for the extinguishment of the Indian title, in order to put the Creeks in possession of it. The enclosed sketch will show the present Indian boundaries in that quarter, which will regulate you in your location West. Should an exchange of territory be adopted as the basis of the pending treaty with the Creeks.

I have, &c. &c.

JOHN C. CALHOUN.

To Colonel DUNCAN G. CAMPBELL.

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*Colonel John Crowell to Colonel Duncan G. Campbell.*

AUGUSTA, August 6, 1824.

SIR: When on the eve of leaving home for Savannah, where I have to attend the District Court on business of the United States, I received information from the Department of War, of yourself and Major Meriwether being appointed to treat with the Creek Indians for lands within the limits of Georgia, as well as your letter on the same subject. As my presence at the Court in Savannah is indispensably necessary, I cannot attend you till my return, which, I think, will be about the 15th, when I will do myself the honor to call on you at your residence, and make the necessary arrangements preparatory to the meeting of the Indians. I hope the few days delay, in consequence of my trip to Savanuah, will not be material, or interfere with your arrangements in relation to it.

I have, &c. &c.

JOHN CROWELL,

*Agent for Indian Affairs.*

Colonel DUNCAN G. CAMPBELL,  
*Washington, Georgia.*

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*Colonel Campbell to Colonel Crowell.*

WASHINGTON, September 5, 1824.

DEAR SIR: Having received Major Meriwether's views upon the subject of a contract for supplying rations for such Indians as may attend the contemplated treaty, I now forward the result. The Major seems to be of opinion, that advertising for proposals will be the most expedient plan which we can adopt. I have given you, on the other side, an extract from his letter, to which I ask your attention. Situated as you are, with more means of information on the subject than we possess, and having also had the benefit of experience upon the matter of contract, we must necessarily place much reliance upon your judgment and discretion. You will readily perceive that it is an object, as well as a duty, to be cautious as well as economical. Keeping these principles in view, we will request you to pursue such course as you may deem most expedient in procuring a favorable and efficient contract. I shall attend Baldwin Court on the 4th Monday

in this month, when I shall be glad to be informed of any matter affecting our negotiation. We are greatly concerned for the result of our mission, and must beg you to prepare the nation for the issue we desire.

I am, &c. &c. &c.  
DUNCAN G. CAMPBELL.

Colonel JOHN CROWELL.

*Agent of Indian Affairs to Col. Campbell.*

PRINCETON, CREEK NATION,  
*September 20th, 1824.*

SIR: In reply to your letter, of the 5th instant, on the subject of a contract to be made for supplying rations for such Indians as may attend the contemplated treaty, I have to observe, that I did, while at Washington, give you the best information I possessed in relation to this subject. I will with pleasure close a contract for you, or do any thing you may require me to do, in relation to the contract, or any other matter touching the business of the treaty that I can consistently do. But it must be distinctly understood, that it is to be done under your special instructions. Should you determine to advertise for proposals, there is no time to spare, and if you wish me to close the contract, you will direct the proposals to be made to me at the Creek Agency, on a given day, for rations to be issued to the Indians, at Broken Arrow, near Fort Mitchell, to commence on the 25th of November, and to continue as long as the Commissioners may require. Should the proposals be directed to me, it must be done on or before the 1st of November, as I shall be absent from that date to the 20th of November, on business in Savannah.

From the best information I have been able to collect, I think we may reasonably calculate on about five thousand Indians attending the treaty.

I have &c.  
JOHN CROWELL,  
*Agent for I. A.*

Col. DUNCAN G. CAMPBELL, *Milledgeville.*

*Colonel Crowell to Colonel Campbell.*

PRINCETON, CREEK NATION,  
*September 27th, 1824.*

SIR: Since I wrote you last, I have had an interview with a number of the head chiefs of the Creek Nation at this place. I stated to them that Commissioners had been appointed, by the United States, for the purpose of holding a treaty with them for the purchase of the

lands within the limits of Georgia, and the Commissioners and myself had appointed the 25th November for the meeting, and at this place; but, in consequence of the indisposition of several of the Head Chiefs, they opposed to fixing upon that day. I then urged them to as early a day as possible, and we finally agreed upon the 6th of December, as the earliest day they would consent to. You will, therefore, consider that as the day of the meeting, instead of the 25th of November, as agreed upon between us at Washington.

I have, &c.

**JOHN CROWELL,**  
*Agent for I. A.*

**Col. DUNCAN G. CAMPBELL,**  
*Washington, Georgia.*

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*Colonel Campbell to Col. John Crowell.*

**WATKINSVILLE, 13th October, 1824.**

SIR: I have declined answering yours, of the 20th and 27th ultimo, knowing that I should have an interview with Major Meriwether at this place. Having had that interview, I now communicate the result. When we fixed the 25th November, as the day of commencing our negotiations with the Creeks, we felt that it was a more distant period than was well suited to our convenience. It is, therefore, with more reluctance that we obtain an assent to a postponement of the time. The 6th of December is an extension of the time which will result in such an interference with our engagements, as to be highly objectionable. We have, therefore, come to the conclusion of suggesting the 1st of December, as better suited to ourselves, and which we hope will in no wise be exceptionable to the chiefs or yourself. We are of opinion that a contract for supplying rations, can be most economically obtained by advertising for proposals. Your intended absence, as mentioned in yours of the 20th, will occur at a time when the proposals should be opened, and a contract closed. We have, therefore, advertised for proposals to be delivered to ourselves, at Milledgeville, on the 8th of November, at which time a contract will be reduced to form, and a requisition made. About that time, you will probably pass Milledgeville, on your way to Savannah. Should this be the case, we shall be very happy to have the benefit of your experience and judgment on the subject. We shall be obliged to you to issue a friendly invitation to the chiefs, to meet us at Broken Arrow, on the 1st of December. It will be matter of regret if the time is objected to: for we have seen no substantial reason given by the Nation for the postponement.

I have, &c. &c.

**DUNCAN G. CAMPBELL.**

**Col. JOHN CROWELL.**



On the 8th day of November, the commissioners met at Milledgeville, for the purpose of receiving proposals for the supply of rations at the contemplated treaty, when the following contract was entered into:

STATE OF GEORGIA.

Memorandum of a contract this day entered into between James Meriwether and Duncan G. Campbell, Commissioners on the part of the United States, of the one part, and John H. Brodnax, of the other part, *Witnesseth*:

The said Brodnax agrees to furnish said Commissioners with supplies for such of the Creek nation of Indians as may attend a treaty to commence with said nation on the first day of December next, at the Indian town called Broken Arrow, on the Chatahoochie river. A requisition is, by these presents, now made on said Brodnax, for twenty thousand rations, to be ready for delivery on the day, and at the place aforesaid. The ration to consist of twenty ounces of beef, twenty ounces of sifted corn meal, and the army quantity of salt. The beef part of the ration estimated at five cents; the meal part at three and three-fourth cents, and the salt part at one-fourth of a cent. In case of failure on the part of the said Brodnax, to furnish the full supply of rations, having the component parts aforesaid, then he is to be liable for the deficiency, according to the above estimates.

It is further stipulated, that the said Brodnax is to furnish any additional supply of rations, of the same component parts, at the same place, and at the same prices, which the Commissioners may require, pending the negotiations with the said nation, the said Brodnax being furnished with the earliest practicable notice of the requisition of further supplies after the commencement of the said negotiation on the day aforesaid. It is further stipulated, that the said Brodnax is to give the necessary attention of himself, agents, or laborers, in taking care of and issuing the rations aforesaid, from day to day, as the same may be demanded for use. The Commissioners, on their part, agree to pay at the rate of nine cents per ration for each and every ration furnished by said Brodnax, under the requisitions of said Commissioners. The sum of eighteen hundred dollars is now advanced to said Brodnax, in consideration of the twenty thousand rations agreed to be furnished as aforesaid, but to be refunded in proportion to any deficiency which may occur in furnishing the amount of said first requisition.

Witness my hand and seal, this 9th of November, 1824.

JAMES MERIWETHER, [L. S.]  
D. G. CAMPBELL, [L. S.]  
JOHN H. BRODNAX, [L. S.]

Signed, sealed, and acknowledged in the presence of  
SAMUEL D. ECHOLS.

## STATE OF GEORGIA :

Know all men by these presents, that we, John H. Brodnax, Zachariah White, Magers Henderson, and Laird W. Harris, are held and firmly bound to James Meriwether and Duncan G. Campbell, Commissioners acting on the part of the United States, in the sum of five thousand dollars, for which payment, well and truly to be made, we bind ourselves, our executors, administrators, &c. jointly and severally, firmly, by these presents. Witness our hands and seals, this 9th November, 1824.

The condition of the above obligation is such, that whereas the above named John H. Brodnax hath this day entered into a contract with the said Commissioners, acting on the part of the United States, to furnish a supply of rations in the Creek nation, at the time, upon the terms, and in the quantities, specified in the contract bearing even date herewith. Now, if the said Brodnax shall well and faithfully abide, fulfil, keep, and perform, all and singular the covenants, undertakings, and agreements, in said writings specified, and shall not violate, neglect, refuse, or fail, to comply therewith, then the above obligation to be void, else to be and to remain in full force and virtue.

JOHN H. BRODNAX, [L. S.]  
 ZACHARIAH WHITE, [L. S.]  
 M. HENDERSON, [L. S.]  
 LAIRD W. HARRIS, [L. S.]

Test,

SAMUEL D. ECHOLS.

PRINCETON, NEAR BROKEN ARROW,

November 30, 1824.

The Commissioners arrived this day at this place, and finding the Indians convening in considerable numbers, issued to the agent and the contractor the following instructions and orders :

PRINCETON, CREEK NATION,

30th November, 1824.

SIR : Pursuant to instructions, and also of a circular from the Department of War, copies of which are herewith furnished, you are designated to ascertain the number and component parts of rations issued daily, pending the present treaty. The manner of issuing and certifying to conform as near as may be to the mode which prevails in issuing rations to soldiers. At the close of the treaty, the account will be presented to us for approval.

Your obedient servants,

DUNCAN G. CAMPBELL,  
 JAMES MERIWETHER,

United States Commissioners.

Col. JNO. CROWELL,

Agent for Indian Affairs.

PRINCETON, CREEK NATION, 30th Nov. 1824.

SIR: The issuing of rations to the Indians will commence on tomorrow morning. The agent of the nation, Colonel Crowell, has been designated to ascertain the number and component parts of rations issued daily. Rations will be issued daily, in the morning, at the old factory buildings, in such numbers as the agent may require.

Your obedient servants,

DUNCAN G. CAMPBELL,

JAMES MERIWETHER,

*United States' Commissioners.*

Major JOHN BRODNAX, *Contractor, &c.*

December 4, 1824.

The Commissioners having been this morning notified of the organization of the Council, attended, with the nation's agent, at twelve o'clock, and were introduced. The Council were informed that the commissioners held their authority under the United States, and had important business to transact, which would be disclosed in a talk on Monday.

On this day an additional requisition was made upon the contractor, as follows:

SIR: From the increasing number of Indians now convening at this place, an additional number of rations will be necessary. You are required forthwith to supply the further number of twenty thousand rations, to be issued according to the terms of your contract entered into with us.

D. G. CAMPBELL,

JAMES MERIWETHER,

*U. S. Commissioners.*

JOHN H. BRODNAX, *Contractor.*

December 7, 1824.

The inclemency of the weather prevented a meeting of the Chiefs on yesterday. On this day the following address was delivered to them in full council:

*Friends and Brothers of the Creek Nation:*

We met you on Saturday last around your great council fire, and were received with the pipe and the right hand of friendship. We then informed you that we had the same feelings towards you, and that we were commissioned by our Father, the President of the United States. We also told you that on this day we would make known to you the object of our visit. We now tell you, that upwards of twenty

years ago a bargain was made between the United States and Georgia. The United States agreed to purchase for Georgia, all the lands lying within certain limits. In this direction, the line runs from Florida up the Chatahoochie to the first big bend above the mouth of Uchee Creek, and thence to Nickejack on the Tennessee river. Georgia has made several requests of the United States to have this agreement carried into effect. The United States, feeling bound by her contract, has appointed commissioners, and they are now before you on this business. The President finds you entirely surrounded by white people. He sees that there are frequent interruptions by encroachments on both sides. A great many complaints are sent to him. He has attended to all these things, as he wished to make them all quiet. He has extensive tracks of country under his dominion beyond the Mississippi, which he is willing to give you in exchange for the country you now occupy. We make you an offer, not only for your territory within the limits of Georgia, but for your whole country. The price which we are to give can be more fully stipulated hereafter. This can consist, in a great measure, of other lands, of such extent and value as may be agreed upon. But our Government would do something more, so as to make your removal easy, and your new settlement secure and comfortable. In a matter of this weight, we cannot say at once all we have to lay before you. We shall expect you to listen to us as long as we have any thing to say, and we will do the same by you. We want you to take time and consider, and deliberate well before you decide either way. We know that our Government has not directed us to make an unjust or improper offer to you. We cannot consent, therefore, that our propositions should be put aside in a hasty manner. After going fully into the subject on both sides, we shall be able to lay our proceedings before the President, and let him decide upon what has been done. Whenever you are ready to answer us, we shall be ready to meet you. In all our intercourse, we desire good understanding.

YOUR FRIENDS AND BROTHERS.

December 8th, 1824.

The following reply was this day made by the Chiefs to the address of yesterday:

*Friends and Brothers:*

On Saturday last we received you as members of our Father's family. The pipe, as a token of peace, was offered to you, and you received it; the right hand of friendship was extended to you, and you did not refuse. Your talk was, that you were sent to us by our Father, the President of the United States; that you would, in two days, repeat to us our Father's talk. You have, in part, done so. You have told us that upwards of twenty years ago a bargain was made between the United States and Georgia; that the United States

agreed to purchase for Georgia all its lands lying within certain limits, &c. The agreement between our Father, the President of the United States, and our Brothers of Georgia, we have never, before this time, been acquainted with, nor are we now convinced that any agreement between the United States and the State of Georgia will have the effect of alienating the affections of a just parent from a part of his children, or aggrandizing the one by the downfall and ruin of the other. That ruin is almost the inevitable consequence of a removal beyond the Mississippi, we are convinced. It is true, very true, that we are "surrounded by white people;" that there are encroachments made. What assurances have we that similar ones will not be made on us, should we deem it proper to accept your offer, and remove beyond the Mississippi? and how do we know that we would not be encroaching on the people of other nations?

We will await your next communication, entertaining the hope that you will then acquaint us with the whole of your talk.

We have all confidence in our Father, the President, and in yourselves, as commissioned by him, and are convinced that you will deal justly by us.

As we have met friends, we wish to continue so, let the result of our meeting be as it may.

Your friends and brothers,

LITTLE PRINCE, his x mark.

OPORTHLE YOHOL, his x mark.

*Speaker of the Upper Creeks.*

WM. McINTOSH, his x mark.

*Speaker of the Nation.*

HOPOY HADGO, his x mark.

WM. HAMBLEY, P. L.

CHILLY McINTOSH,

*Clerk of the National Council.*

The following requisition was this day made on the contractor :

SIR: We perceive that an additional number of rations will be necessary; you will, therefore, have twenty thousand more in readiness immediately.

JAMES MERIWETHER.  
DUNCAN G. CAMPBELL.

Major JOHN BRODNAX.

December 9th, 1824.

The following address was this day made to the Chiefs :

*Friends and Brothers :* We attended your council yesterday, and received your talk, which we are glad to find made in a spirit of good feeling and liberality. This was expected of you, on account of the kindness and protection which has always been extended to you by

the United States. You have requested that the whole of our talk be delivered at this time. We have no objection to go fully into that subject, and although the time allowed is very short, we believe we shall be able to comply with your request. Brothers, we now proceed to explain the nature of your connection with the General Government, and although it may not be very pleasing; it is, nevertheless, true.

We ask you, how did the Muscogee nation come by this country? You came from the West, and took the country from another people, who were in possession. After living here a great many years, the people from over the *big waters* came in large vessels and took some of the country from you, and set up their own Government, and made laws, and made you obey them. Ninety-two years ago the British granted a charter to all the land between Savannah and Alatamaha rivers, up to their heads, and thence to the Western Ocean. Then, afterwards, sixty years ago, the same British Government extended the limits of Georgia to St. Mary's river; thence, along the Florida line, to Mississippi river.

All this was Georgia 'till 1802. We will now tell you how the country we have described happened to belong to the United States: About fifty years ago, a war broke out between the British and her own people who were here. The war lasted seven years, and the British were conquered—you took part in that war, and were conquered also. All the country which was conquered, belonged then to the conquerors. The British were all driven off, and you would have shared the same fate, but for the humanity and goodness of the new Government, which was established after the war. This new Government was called the United States of America; and directly after it was formed, it held treaties with you, and all other Indian tribes. You are not the only tribe that fought on the side of the British; every other tribe did the same, and all were treated alike; all gave up and claimed protection, and were received into favor. The Delawares made a treaty at Fort Pitt, and gave up their power; the Six Nations did the like at Fort Stanwix; the Cherokees; at Hopewell, and the Creeks, at New York.

Since the war of the Revolution, when General Washington fought, the Indian tribes have had no power in the United States. It was not your fault that your forefathers fought against their country, yet you have to be the sufferers by their rashness. Since this time some of you have shown yourselves worthy of being the President's children, by fighting by the side of the white man, against the foes of liberty. The President will always stand by you, and protect you against want, and against your enemies. He has not sent us here to make offers, or propose schemes for your injury or destruction. On the contrary, the most earnest wish of his heart is, that you should be preserved; that you should live and prosper; that you should advance in civilization; that you should have good laws, and obey them; that you should have schools, and learn; that you should have churches, and worship him who made you. But the question is, how are we to attain these desirable ends? The President, in great goodness, has

pointed out the way : fifteen years ago he advised some of his red children to go beyond the Mississippi. Five thousand went, and are free from intrusion and disturbance from the whites. These limits are extended, and they are not surrounded and hemmed in on every side. If the young men wish to pursue the game, it is there found in abundance; if they wish to become herdsmen and cultivators, the soil is well suited for these purposes. But, above all, if you wish to quit the chase, to free yourselves from barbarism, and settle down in the calm pursuits of civilization and good morals, and to raise up a generation of Christians, you had better go. The aid and protection of the Government will go with you. The good wishes of the best men alive will go with you; and the missionaries, with their schools and meetinghouses, and good examples, and prayers, will be planted in the midst of you. Brothers, the talk which we now deliver to you is from the mouth of a great and good man, our father, the President. In speaking to the Cherokee children, he says these words: "my impression is strong, that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire West and North of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of Government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which, the interposition of the United States will be indispensable, and thus their Government will gradually lose its authority, until it is annihilated. In this process the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization, to enable them to institute and sustain a Government founded on our principles, if such a change were compatible, either with the compact of Georgia, or with our general system, or to become members of a State, should any State be willing to adopt them in such numbers. But all these evils may be avoided if these tribes will move beyond the limits of our present States and Territories." These are the words of the President, used no longer ago than last March. We will now give you the talk of the Secretary of War, Mr. Calhoun, to the Cherokees, last January. He says, "you must be sensible that it will be impossible for you to remain, for any length of time, in your present situation, as a distinct society or nation, within the limits of Georgia, or any other State. Such a community is incompatible with our system, and must yield to it. This truth is too striking and obvious not to be seen by all of you, surrounded as you are by the people of the several States. You must either cease to be a distinct community, and become, at no distant period, a part of the State within whose limits you are, or remove beyond the limits of any State."

We have thus given you the talks of two of the highest authorities of the United States, the President and Secretary of War. These, to be sure, were delivered to the Cherokees, but they apply with equal force to you, for both are within the Georgia limits, and the United

States are bound to extinguish your title. Brothers, we might add the talks of the members of Congress from Georgia to the President, and also the talk of our head man, the Governor of Georgia. We have these by us, and will explain them to you verbally. They are too long to be included in this writing. We can here say this much of them, that they set forth very strongly the rights of Georgia; that the President has listened to them, and sent us here for the purpose of settling matters which threaten to produce the greatest disturbances and serious consequences.

Brothers, before we came into your country, we read in the newspapers, where some of you had held two meetings at Tuckabatchee and Pole Cat Spring, and signed a talk to "follow the pattern of the Cherokees, and never sell another foot of land." We fear you have suffered yourselves to be misled. You have made a hasty conclusion which you are unable to support. Whether this was produced by the Cherokee talk, that was sent to you, or by the intermeddling officiousness of interested individuals, or by both, we are not exactly prepared to say. But we warn you against the advice of intruders and false prophets. As lofty grounds as the Cherokees have taken, we have no doubt of seeing the time when they will come under the laws of the whites, or go to the West, where they can be to themselves. These two meetings which you have had, are rash and premature. They are not binding even upon those who signed them, much less are they binding upon the nation. This is the place where laws are made, in full Council, not at Tuckabatchee or Pole Cat Springs, where a mere handful are gathered together, not, perhaps, so much by their own consent, as by designing individuals. This nation was once led into a dreadful war by advisers and false prophets. Take care how you listen to talks which come from such sources. No man, no nation, has a right to interfere with the affairs of this nation. We shall make our propositions open and fair to this Council. If our talk is received, we doubt not but the good of yourselves and of the United States will be advanced. If it is rejected, it will be to the injury of both. There shall be no interference with us, and we shall be inclined to try the extent of our powers, if we detect any interference with you.

Brothers, we have heard you say that you love the country you live in, and that you are opposed to a removal. This is not the first country which has been sold by its proprietors. The United States has lately bought Florida from Spain, and the Spaniards are gone, part to Cuba, and others beyond the seas. The United States, some years ago, bought Louisiana from France, and many of the inhabitants removed thousands of miles from the place of their birth, and where their fathers were buried. The United States have lately made a treaty with the Seminoles, and have marked out a country for them and told them to go to it. The United States have exchanged lands with the Choctaws, and that tribe have a flourishing settlement, with which they are very much pleased, on Red River including the Warm Springs. Other instances might be given where countries have been sold, and people removed. We believe, that, by an exchange



and removal, this nation would secure a safe and permanent resting place, where they would be free from interruption and disturbance. You would have some encouragement to clear fields and build good houses. They would be yours, and yours not for a short time; but for yourselves and generations afterwards. You flourish best when at a distance from the settlements. In going through your country, where do we find the most improvements? On the lines of the States, and even on the public roads, we hardly ever see a field or a house. You retire within, in order to get clear of the intrusions and encroachments of disorderly whites, who sometimes gather upon our frontiers. But even in the interior, the state of your improvements are such as to shew that there is something wrong; that you do not consider yourselves at home. You told the Commissioners at the Indian Springs, that your people had quit hunting, and settled down to the industrious use of the axe, hoe, plough, and loom. The game is gone, but still we find you ranging in parties in all directions; some to Florida, some to the Cherokee and Choctaw nations, and some have gone even beyond the Mississippi. Brothers, we plainly see, and we know it to be true, from the talks of the President, the Secretary of War, the Governor of Georgia, the Georgia delegation in Congress, and the Legislature of Georgia, for years past, that one of two things must be done: you must come under the laws of the whites, or, you must remove. Brothers, these are not hard propositions. If you intend to be industrious and go to work in earnest, our laws will not be burthensome. But the difference would be so quick and so great, that, at first it might make you restless and uneasy. But let you go where you will, a change in your condition will be the study of Christians and the work of the Government. Brothers, we now tell you, what we, in the name of your Father the President, want you to do. We want the country you now occupy. It is within the limits of Georgia and Alabama. These States insist upon having their lines cleared. The President will do this by giving you a better country, and will aid you in removing; protect you where you may go, against whites and all others, and give you a solemn guaranty in the title and occupancy of the new country which you may select. We now leave you to pause, to examine, and decide. This talk comes to you full of friendship, yet it is of serious and important import. By deciding for yourselves, it may prevent others from deciding for you. We want an answer as soon as it may be convenient to give it. The Congress of the United States and the Legislature of Georgia are both in session, and they will want to know what has been done. We again assure the nation of our friendly feeling.

**DUNCAN G. CAMPBELL,**  
**JAMES MERIWETHER,**  
*U. S. Commissioners.*

10th December, 1824.

The following requisition was this day made on the Contractor :

SIR: Furnish forthwith twenty thousand rations, which we perceive will be requisite.

DUNCAN G. CAMPBELL,  
JAMES MERIWETHER,  
U. S. Commissioners.

Maj. Jno. H. BRODNAX.

11th December, 1824.

The following reply was this day received from the Chiefs, in answer to the address delivered them on the 9th inst.

THLE-CATCH-CA.

11th December, 1824.

*Friends and Brothers* : You have given us a very long talk, which we will now answer the most prominent parts of.

You tell us of things which we never heard before. You tell us that the Muscogeese are not the original proprietors of this soil ; that they came from the West, and obtained it by conquest. This we do not know. From all the traditions which have been handed down to us from our forefathers, we have been impressed with the belief, that we are the original and sole proprietors of the soil. Brothers, the first white people that ever landed here, found us here. The first red people that were known to visit the whites, were from the Coweta town. We are, therefore, under the conviction that our people are the original proprietors of the soil, as an inheritance left to us by our forefathers. As proof of this, every sale of lands, which has been made to the whites, has been made by the Muscogeese. But, admit that we now hold our lands by right of occupancy only ; admit the claim of Georgia to have been a good one to that part of country ceded to the United States, by the treaty of cession of 1802, a stipulation in that agreement declares, that the United States will extinguish for Georgia, the Indian title to the lands within the ceded limits, so soon *only* as it can be done on peaceable and reasonable terms. This certainly admits the claim of the Muscogeese to the right of an occupancy, until they are willing to dispose of that occupancy. It is true, that, in the war between Great Britain and her colonies, that many of our people were deluded by the British, and persuaded to take the side against the colonies. But, after the conclusion of that war, which terminated in favor of the colonies, a new, free, and independent Government was formed and acknowledged by all or many of the European Powers.

After the establishment of the United States' Government, they made treaties with the different tribes, and the first treaty entered into between the Muscogee nation and the United States, at New York, in August, 1790, the 5th article of which here follows, viz :

"The United States solemnly guaranties to the Creek nation, all their lands within the limits of the United States, to the Westward and Southward of the boundary line described by the preceding article," expressly guaranties to this nation, all the lands within certain limits, and not ceded by that treaty; a part of which lands, are the lands which Georgia now claims. The 2d article of the treaty of Fort Jackson, done in August, 1814, speaks this language: "The United States will guaranty to the Creek nation, the integrity of all their territory, Eastwardly and Northwardly of the said line, to be run and described as mentioned in the first article." At the treaty of the Indian Spring, in January, 1821, in reply to a request made by the Chiefs of the nation, to the Commissioners, for a guaranty to the remainder of their lands, the Commissioners said, verbally, "that we had already a sufficient guaranty in two former treaties," alluding, undoubtedly, to the treaties of New York, in 1790, and Fort Jackson, in 1814. Taking into view, words of the treaty of cession with Georgia, and the several guaranties in treaty stipulations between this nation and the United States, as well as the letter of the Honorable George Graham, acting Secretary of War, to the Creek Deputation, dated 17th March, 1817, an extract of which here follows, viz: "The land which was guarantied to you by the treaty signed by General Jackson, and your Chiefs, and head men, on the 9th of August, 1814, is your land, and your Father, the President, who holds you, and your nation, fast by the hand, will take care that no part of it is ever taken from you, excepting by the free consent of the Chiefs and head men, given in Council, and for a valuable consideration;" it seems to have been distinctly understood by the contracting parties, and acknowledged by the Government of the United States, that no coercive measures were to be apprehended by us; nor can we believe, that our Father, the President, will act otherwise than in good faith, in the strict and faithful performance of treaty stipulations. Brothers, we have already parted with various tracts of our land, until we find our limits quite circumscribed; we have barely a sufficiency left us. The proposals to remove beyond the Mississippi, we cannot for a moment listen to. Brothers, we have among us, aged and infirm men and women, and helpless children, who cannot bear the fatigues of even a single day's journey. Shall we, can we leave them behind us? Shall we desert, in their old age, the parents that fostered us? The answer is in your own hearts. No! Again, we feel an affection for the land in which we were born; we wish our bones to rest by the side of our fathers. Considering, then, our now circumscribed limits, the attachments we have to our native soil, and the assurances which we have, that our homes will never be forced from us, so long as the Government of the United States shall exist, we must *positively decline* the proposal of a removal beyond the Mississippi, or the sale of any more of our territory. Brothers, we felt gratified by the friendly disposition manifested towards us by you, and as we met friendly, so we hope to part.

Your Friends and Brothers.

[Signed as before.]

*December 15th, 1824.*

In conversation with Col. Crowell, the Agent, the Commissioners were informed that the two publications, dated at Tuckabatchee and Pole Cat Springs, signed by a number of the Uppertown Chiefs, were written by the Sub-agent, Captain Walker; that the first was brought to this place in June last; no signatures were obtained, but the Agent understood it to be consented to generally. It was then in the hand writing of Captain Walker: the last meeting where the Pole Cat proceedings occurred, was at Walker's house. No communication was made to the Government of either of these proceedings.

The following communication was received from his Excellency the Governor of Georgia:

**EXECUTIVE DEPARTMENT,**

*Milledgeville, 9th Dec. 1824.*

**GENTLEMEN:** The Legislature will probably adjourn about the 18th inst. and, as much anxiety is manifested to know whether you have any prospects of concluding a Treaty. I have sent an express that this letter may be safely delivered into your own hands. If there are no prospects of bringing your mission to a favorable termination, be so good as to apprise me of the obstacles you have had to encounter; if you found yourselves anticipated and forestalled by the Indian Council, held in the Spring, of which we received the first notice recently through an Alabama print. Inform me, if you please, by what authority that Council was held? whether with the knowledge, countenance, or encouragement of the Agent? was the Agent present at that Council, and what part did he take? who drew up their state paper? were the proceedings of that Council made known by the Agent to his Government, without delay, and was it with a knowledge of these proceedings that you were appointed? were any allusions made to them in your instructions? You will pardon the trouble I give you. There is no absolute right, on my part, to propound these questions; no obligation on yours to answer them. Nevertheless, you are citizens of Georgia, and if your negotiations fail, you will see how necessary it will be for me to receive true and correct answers to these questions, from such authority as will enable me to use them in vindication of our rights to the best advantage. You will not infer from any of them that hasty inferences have been indulged to the prejudice of the Government of the United States. Hope is still entertained, that all will be right, and in no event will any thing be sought to inculpate the Government of the United States, but strict matter of fact.

With great consideration and respect,

G. M. TROUP.

To which the following reply was returned :

PRINCETON, NEAR BROKEN ARROW,

December 14, 1824.

SIR : Your express arrived here on Sunday, and found us absent on a small excursion up the river on business most importantly connected with our mission. We did not return till yesterday, and then in excessive rain, which has greatly retarded our operations. We are not without our difficulties in determining what shall be our answer to the several inquiries which you have propounded. These do not arise, however, from any reluctance to make to you a full disclosure of our proceedings, and the obstacles which we have had to encounter, but from an apprehension that, by such communication, we might, *for the present*, weaken the means of which we hope successfully to avail ourselves. As Agents of the General Government, and as citizens of Georgia, we cannot regard your efforts upon this subject in other than the most favorable light ; and at a time more seasonable, in case of our failure, we shall be prepared most heartily to co-operate in your views, and upon the very points of your inquiries.

We commenced our negotiations in writing ; as far as it has progressed in this way, we send you a copy. This method has been abandoned, as too formal, and liable to too many interruptions. Our discussions will be conducted orally for the future, and in this way we shall enjoy advantages which will probably lead to success.

The proceedings which you have seen published, as occurring at Tuckebatchee, and Pole Cat Springs, were evidently intended to forestall us. They have, in a great measure, had the effect, by spreading alarm throughout the nation, by the miserable farrago of threats which they contain. For some time past, the Cherokees have exerted a steady and officious interference in the affairs of this tribe. That this has derived additional impulse, and that we are now encountering a daily interference, most active and insidious, we have no doubt.

We decline a specification, in the hope that we may succeed without it, and thereby avoid its irritating consequences. Deeply sensible that a persevering zeal is indispensable, in furtherance of the policy of the Government, and in vindicating the rights of Georgia, we will communicate again by express, to reach you in the forenoon of Saturday, if such step should appear to us to promise any advantage.

With sentiments of great consideration and respect, we are your obedient servants,

DUNCAN G. CAMPBELL,  
JAMES MERIWETHER.

His Excellency GEORGE M. TROUP, *Milledgeville.*

On this day, December the 14th, the Commissioners attended the Council, and found them engaged in the earnest discussion of the subject of the treaty. Eight or ten chiefs delivered their opinions at considerable length, and some with great earnestness and vehemence. After they had closed, the Commissioners were invited in, and having previously arranged with the Council to conduct the negotiation, verbally delivered to them a talk, which insisted, in strong terms, upon the acquisition of the whole country by exchange, or of a part by exchange or purchase. The wishes of the General Government were urged. Efforts were used to convince the Council that such arrangement was indispensable, whether considered in relation to the United States or themselves. That, for the safety and better means of defence of the United States, and to enable her to comply with the compact with Georgia, it was necessary that the States should lie together in a compact form. That, for the protection and improvement of the nation, it was necessary they should go out of the limits of the States. They were warned against the talks of any body except the General Government; that they had been misled by the Cherokees, and others, whose duty it was to have instructed them better.

Many other topics were also urged, and documents read, showing the rights of the United States and Georgia, and the opinions and wishes of the General Government.

At the close of the Commissioners' remarks on the above subject, they proposed that the balance of the negotiation should be conducted by a number of chiefs, to be selected by the Council; and that the mass who were standing round, and occasioning great expense in rations, should be discharged. They also proposed that the place of negotiation should be changed to some room which should be more comfortable and convenient; and that the Commissioners would pay the expense of such a room. To the whole of these last propositions a flat denial was received. It was answered, they would discharge none of their people; that they would meet no where but in the square; and that proceedings should be in the presence of all who were attending. Two chiefs then gave their answer to the main subject of the Commissioners' talk. These were short but pointed, consisting of but little more than the "emphatic No." The Council were then informed that the commissioners could not take such answer as conclusive; that they should continue the negotiation as long as they thought proper, and would expect to meet the Council again on to-morrow.

The following letter was addressed to the agent :

SIR : Having been instructed by the War Department to call on you for any information or assistance which we might need, pending the present treaty, we have to request that you cause to be produced to us certain documents transmitted by the Cherokee nation, or some individual thereof, to this nation; also a letter purporting to have been written by one Charles Casheda, of Tennessee, to the Big Warrior. We deem an inspection of the above documents material

to us, in furthering the just views and policy of the General Government. If they are in the custody, power, or control of yourself or sub-agent, we shall be thankful if you will cause them furnished as soon as practicable.

We are, Sir, your obedient servants,

DUNCAN G. CAMPBELL.

JAMES MERIWETHER.

Col. JOHN CROWELL, *Agent, &c.*

To which the following reply was received :

**GENTLEMEN :** In reply to your note of this date, in relation to certain documents said to have been transmitted to the nation by the Cherokees, I have to remark, that no such documents, or documents of any description, from the Cherokees, are in my possession ; but, on application to the sub-agent, he has delivered to me the enclosed papers, and states that they are all that are in his possession. He states, that the letter of Casheda, of Tennessee, to the Big Warrior, he believes to be in the possession of the Warrior.

Mr. Peck, who acted as Secretary to the Creek Council, informs me that he has, in his possession, the correspondence between the Cherokees and the United States' Commissioners at New Town, but that he does not feel himself authorized to give them up without the consent of the chiefs from whom he received them.

I have, &c. &c.

JOHN CROWELL.

*Agent for Ind. Affairs.*

Messrs. CAMPBELL and MERIWETHER,  
*United States' Commissioners.*

*Note.*—The papers furnished were a letter from the Cherokee Delegation to the President ; letter from D. G. Campbell to the Secretary of War, dated 28th November, 1823 ; report of Secretary of War to the President ; Secretary of War to Cherokee Delegation ; the Delegation to the Secretary of War ; President's message to Congress. The above papers were in manuscript, and, as we believe, in the hand-writing of John Ross.

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No. 1.

December 16, 1824.

The Commissioners met the Council again on this day, and gave them a talk. Reference was had to the treaties of Augusta, Galphinton, and Shoulderbone, for the purpose of showing that, even before the Revolution, the lands which the nation occupied were not held by title, but reserved to them simply for hunting grounds. Subsequent treaties were also referred to, and many arguments urged in favor of an entire or partial cession of lands. A distinct proposition was then submitted, that the United States would give lands in ex-

change for the entire possessions of the Creek nation, acre for acre, and to indemnify the nation for their improvements, and the expenses of removal, would pay the sum of five hundred thousand dollars, or would make an exchange for the lands within the limits of Georgia, giving, as odds, the sum of three hundred thousand dollars. To these arguments and propositions, the Little Prince replied that he had directed his warriors several times to tell the Commissioners that he had no land for sale, but that he would not believe them, therefore he would answer himself. He said he should listen to no old treaties. That at New York the nation gave up land, and that General Washington gave them the balance, and told them it was theirs, and that they never intended to spare another foot. The Commissioners then laid before them sundry documents, containing evidence of a claim in favor of Blackburn and Houston, of Tennessee, against the nation, forwarded by the War Department, and then retired.

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No. 2.

December 18, 1824.

The Commissioners met in council, and asked whether they persisted in the determination which they had expressed, of ceding lands on no terms. The Big Warrior's deputy answered, that he would not take a house full of money for his interest in the land; and that we might take this for a final answer.

In regard to the claim from Tennessee, the council insisted on delay; stating that papers were in the hands of the Big Warrior, which were material. They said further, that the arrest of the claimants, and the capture of their goods, were under the order of the agent, Col. Hawkins; and that this order could not then be produced; and that they could not consider the claim any further at this time.

The Commissioners then took their leave of the Council, and retired.

On the evening of this day the Commissioners consulted as to the course best to be pursued. Believing that they had been defeated by *combination* and *preconcert*, they resolved to pursue the subject by every means of which they could avail themselves. It appeared that the most active, industrious, and insidious means, had been resorted to for months, for the purpose of inspiring confidence, determination, prejudice and obstinacy, in one part of the nation, (Upper Town,) and of spreading fears and alarms in the other, by threats and menaces. These were frequently repeated in the course of the negotiation. The Commissioners found themselves overreached in the selection of the place. The combination had every opportunity of exerting its devices, and the Commissioners had but few facilities of counteraction. We satisfied ourselves that a treaty could be obtained from the chiefs within the limits of Georgia, and to the extent of the Georgia claim. The basis of such treaty would have been ex-



change of territory, and would have effected the removal of one half of the nation, 10,000. The Commissioners, entertaining some doubts of the validity of the treaty signed by individual council, and fearing to expose such part of the chiefs to the resentment of the combination, resolved upon a temporary adjournment, for the purpose of obtaining the further instructions of the Government. The following communication was then addressed to the Secretary of War. But the Commissioners, considering that the business of negotiation requires to be precipitated, and that the least delay would endanger success; and, considering, further, that the subject admits of better explanation, and greater detail, by a personal interview with the Executive of the Union, determined that a member of the board should, with the least possible delay, proceed to Washington City, and that proceedings should rest until his return. D. G. Campbell being selected to make the visit to Washington, the board adjourned, and resolved to set out for Georgia the next day.

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No. 3.

*Extract of a letter from Col. Duncan G. Campbell, Commissioner, &c.  
to the Secretary of War, dated Washington, 11th January, 1825.*

“Having understood from the Department, this morning, in a verbal conversation, that the President, after consulting the Cabinet, had declined granting to the Commissioners the authority which was asked, in my communication of the 8th instant, I take leave to propound another course, and to request that I may be instructed accordingly, as the decision may be made.

“The facts, heretofore disclosed, shew a willingness, on the part of the Indians within the Georgia limits, to cede their territory, and to emigrate; but insurmountable obstacles present themselves to the acceptance of a treaty thus concluded. It is now proposed to reassemble the chiefs of the whole nation; to renew the offers already made; to obtain the entire Creek country, if practicable; but if this cannot be effected, then to accept a treaty, signed by the chiefs, within the limits of Georgia, provided such treaty be accompanied by the assent of the other chiefs, that the land to be abandoned by the emigrating party, shall be immediately subject to the disposition of the Government. I am unable to perceive any objection, to which this proposition may be liable. If the President entertains the like views, and we can receive specific instructions that the plan proposed coincides with the wishes and policy of the Government, I have a strong assurance that a treaty, highly favorable, may shortly be obtained. The special message of the President, which you mentioned as being about to be made, will no doubt be found an efficient auxiliary.”

*Letter from the Secretary of War to Col. Duncan G. Campbell, Commissioner, &c. &c. dated*

DEPARTMENT OF WAR, Jan. 13, 1825.

SIR : I am directed, by the President, to inform you that Captain Walker, the sub-agent of the Creek nation, has been discharged by his order. The reasons for his discharge, will appear in the letter to Colonel Crowell, the agent, covering the discharge of the sub-agent, a copy of which is herewith enclosed.

The Agent was instructed, by a letter from this Department, of the 16th July last, covering an extract from the instructions to yourself and Major Meriwether, to obey your orders on all points connected with the proposed treaty, as will appear by a copy of the letter and of the extract referred to, and herewith enclosed. It was not doubted by the Department, but that he would zealously co-operate in effecting the object of the Government in authorizing the treaty to be held. It appears, however, by the report, that the Agent neglected to inform you of the previous meetings and decision of the Creek Chiefs at Tokaubatche and the Pole Cat Springs, which had so material a bearing on the negotiation, and that the Commissioners had to rely solely upon their own exertions, without aid from the Agent, who assumed a neutral position. It also appears, from the journal, that, in the opinion of the Commissioners, the Creek Indians had been misled by the Cherokees, and others, whose duty it was to have instructed them better. It is the desire of the President, before he makes any decision on the conduct of the Agent, to be put in full possession of all the facts and circumstances, which may enable him to form a correct opinion as to his conduct and motives in withholding his co-operation ; and, particularly, whether the Agent received any instruction from the Commissioners directing his general or particular co-operation, which he refused or neglected to fulfil, and who are referred to in speaking of "others," in the extract from the journal of the proceedings of the Commissioners above stated ; and particularly, whether the Agent was, and, if so, by what particular acts of his were the Creeks misled.

It is, doubtless, the duty of the Agent to watch over and to protect the Indians assigned to his agency, and to advance their interest in all cases under the treaties, laws, and instructions of the Department ; but still he is the Agent of the Government, and is bound, in all cases, to give his zealous co-operation in effecting its views. In addition to which, in this case, he was particularly directed to obey the instructions of the Commissioners, which ought to have excluded all doubt as to his duty, affording all the aid in his power to contribute to a successful termination of the treaty.

The Commissioners, in their communication to the Governor of Georgia, speaking of the difficulties in answering his inquiries, remark that these (difficulties) do not arise from any reluctance to make to you (the Governor) a full disclosure of our proceedings, and the obstacles which we have had to encounter, but from an apprehension

that, by such communication, we might, for the *present*, weaken the means of which we hope successfully to avail ourselves. As Agents of the General Government, and as citizens of Georgia, we cannot regard your efforts upon this subject, in other than the most favorable light; and at a time more reasonable, in case of our failure, we shall be prepared most heartily to co-operate in your views, and upon the very points of your inquiries." Again, "that we are now encountering a daily interference, most active and insidious, we have no doubt. We decline a specification, in the hope that we may succeed without it, and thereby avoid its irritating consequences."

The President requests to be informed of the nature of the communication which was withheld from the Governor, and which, if it had been communicated, would, for the *present*, weaken the means of which the Commissioners hoped successfully to have availed themselves; and which, at a time more reasonable, in the case of a failure, they proposed to make known, and to co-operate with his views on the points of his inquiries, and what was the nature of the means referred to; and, also, what was the nature of those active and insidious interferences which the Commissioners encountered, but which they declined specifying, in their answer to the Governor, in order to avoid irritating consequences; and from whence such interferences came.

The proposed renewal of the negotiation renders the explanation the more desirable. The President is very solicitous for its successful termination; and a full disclosure of the nature, extent, and source of the opposition at which the Commissioners hint, will enable him to adopt such measures, as the facts disclosed may require.

I have the honor to be,

Your most obedient servant,

J. C. CALHOUN.

To Col. DUNCAN G. CAMPBELL,

Commissioner, &c. &c.

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No. 5.

*Letter from the Secretary of War to Colonel John Crowell, Indian Agent, &c. dated*

DEPARTMENT OF WAR, Jan. 13, 1825.

SIR: I herewith enclose a letter to Captain Walker, discharging him from the service of the United States, as sub-agent, which you will cause to be delivered as speedily as practicable. The charges against Captain Walker are, generally, that he aided and countenanced the Indians in their opposition to the treaty, and, particularly, that he penned the publication of the Creek chiefs, at Tokaubatchee and the Pole Cat Springs; and that their meeting at the latter, was at his house, and with his sanction and countenance. In addition to the above, it appears, by verbal statements, that Captain Walker has married a daughter of one of the principal Chiefs of the nation, which

creates a relationship, that is calculated to influence him improperly in the discharge of his duty. Captain Walker's place will be filled by the Department, as soon as a suitable person can be selected.

I have, &c.

J. C. CALHOUN.

To Col. JOHN CROWELL,  
*Indian Agent, Creek Agency, Ga.*

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No. 6.

*Letter from the Secretary of War to Mr William Walker, sub-agent, &c. dated 11th January, 1825.*

DEPARTMENT OF WAR, Jan. 11th, 1825.

SIR: It appearing, by the journal and report of the Commissioners, appointed by the President, to treat with the Creek Indians for a cession of territory, that, so far from contributing to effect the object of the Government, your influence has been used in defeating the successful termination of the treaty, I am directed by the President to inform you that you are, in consequence, discharged from the service of the United States, as sub-agent; and your pay and duties will accordingly cease on the receipt of this communication.

I am, respectfully,

Your obedient servant,

JOHN C. CALHOUN.

To Mr. WILLIAM WALKER,  
*Sub-agent, Creek Agency.*

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No. 7.

*Letter from S. S. Hamilton, to Col. John Crowell, Indian Agent, &c. dated 16th July, 1824.*

DEPARTMENT OF WAR,  
*Office of Indian Affairs, 16th July, 1824.*

SIR: Colonel Duncan G. Campbell and Major James Meriwether, have been appointed, by the President, Commissioners to treat with the Creek Indians, for a further extinguishment of their title to lands within the limits of Georgia; and I am directed, by the Secretary of War, to notify you thereof, and to transmit to you the enclosed extract of his instructions to the Commissioners, for your information and government.

With great respect,

I have the honor to be,

Your obedient servant,

S. S. HAMILTON.

To Col. JOHN CROWELL,  
*Indian Agent, Creek Agency, Geo.*

*Extract of a letter from the Secretary of War to Col. Duncan G. Campbell and Maj. James Meriwether, Commissioners, &c. dated 16th July, 1824.*

"The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Col. John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the Commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized."

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No. 8.

*Letter from Duncan G. Campbell to the Secretary of War, dated 14th January, 1825.*

WASHINGTON CITY,

14th January, 1825,

SIR: I have received yours of yesterday, informing me of the removal of Capt. Walker from the office of Sub-agent of the Creek Nation, and asking further information respecting the position assumed by the principal agent; and asking, also, an explanation of certain passages contained in the commissioners' journal.

I regard the impeachment of an individual, of official delinquency, as matter of delicate import. I did not, therefore, permit myself to become the accuser of Capt. Walker, until, by actual observation, and from his own acknowledgment, I was possessed of direct and manifest proof of his guilt. Not possessing the like evidence against the agent, I cannot consent to be considered *his* accuser. My only allusion to this officer was upon the ground of his non co-operation, and his omission to restrain his sub-agent in his adverse movements. This was in compliance with the course suggested by the department, which required an enumeration of all the difficulties which we had encountered. As far as he has been brought into question, by my report, on account of the negative course which he professed to pursue, and the neutrality which he assumed, the grounds taken have been fully sustained by the President and Department. In any proceeding beyond this, I decline an agency. It only remains for me, then, to give explanation to certain passages which you have cited in the journal; to limit or extend their bearings as the state of facts may require, and to answer certain questions which you have propounded.

I am asked "whether the agent received any instructions from the commissioners, directing his general or particular co-operation, which he refused or neglected to fulfil?" The power of the commissioners to control the agent was derived from their instructions; and the te-

nor of these instructions will shew the extent of that power. The article connected with the subject is this :

“The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Col. John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized.”

The construction given to this article was, that it limited itself to the *provisions* which might be needed at the treaty, and to the *assemblage* of the Indians. Our expectations that the Agent would co-operate, were formed from our convictions of his duty as the officer of the Government. If, as appears to be the fact, his convictions were otherwise, our order would have been an unavailing process. On reference to the journal, I find, in a letter which I addressed to the Agent on the 5th September, this sentence :

“I shall attend Baldwin Court on the fourth Monday in this month, when I shall be glad to be informed of any matter affecting our negotiation. We are greatly concerned for the result of our mission, and must beg you to prepare the nation for the issue we desire.”

Whether this will be regarded as an “instruction,” “directing a general or particular co-operation,” I cannot undertake to say. It is most certain that the Agent did not so regard it; or, if he did, then he failed to “fulfil” it : for neutrality was his avowed course from beginning to end.

I now proceed to an explanation of the allusions contained in the letter of the Commissioners to Governor Troup, of Georgia. The Legislature of that State being in session, and near a close, the Governor communicated with the Commissioners by express. This happened at what we considered the crisis of the negotiation. The very day on which the express arrived, was spent by the Commissioners at Cowetaw, a few miles distant from the treaty ground, on business connected with the treaty. The absence of the Commissioners; the despatch of an express to Georgia; the arrival of the Governor's express from Georgia; the communication had, by the Commissioners, on that day, with some of the Chiefs, had the effect of producing great confusion and alarm in the ranks of those who considered themselves our adversaries. This was manifested by the hasty departure of two messengers to the Big Warrior, one on the night of the 13th, and the others on the morning of the 14th December. One of these messengers was sent at the instance of the Sub-Agent himself. The Big Warrior was not present at the treaty, but seemed to be represented by a Committee of four. With these, the Sub-Agent had constant intercourse; and, in council, they were the organ of the opposition. For these acts of interference he was called to account by the Commissioners, and given to understand the danger to which he had exposed himself. The withholding of these facts was intended to have its operation upon Walker, and to be made the price of his co-opera-

tion. These are some of the "insidious" and "daily interferences" to which we had allusion ; and this is the individual whom he intended to designate. The business of negotiation, always intricate when applied to Indians and their advisers, becomes peculiar, and is often influenced by circumstances seemingly unimportant.

Thus, Sir, have I answered the several points upon which the President required *further* information. In doing this, I have had reference alone to facts of a positive character. To none others did I consider myself warranted in resorting. Impressions, circumstances incidentally occurring, public rumor, or newspaper speculations, I have not considered as topics proper to be embodied in this report.

I have the honor to be,

Your most obedient servant,

DUNCAN G. CAMPBELL.

The Hon. JOHN C. CALHOUN,  
*Secretary of War.*

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No. 9.

DEPARTMENT OF WAR,

18th January, 1825.

SIR : The President has deliberately considered the proposition submitted by the Commissioners to treat with the Creeks, of holding a separate treaty with General McIntosh for a cession of that portion of the Creek territory lying within the limits of Georgia : and, although he is very desirous of acquiring for the State of Georgia the land in question, he is of opinion that he cannot, with propriety, authorize the treating with Gen. McIntosh alone, as proposed by the Commissioners. There could be no objection to an arrangement with him to abandon the country which he now occupies, and to settle, with his followers, on such tract of country as might be assigned to him on the West of the Mississippi ; but the President is of opinion, that it is not in the power of General McIntosh to cede any portion of the land belonging to the Creek nation, without the assent of the nation itself. The principle on which such cession would be made, without such consent, would involve the idea, that every individual in the nation would have a right to cede to the United States the particular portion of the country in which he might be in actual occupancy ; and would, in effect, completely destroy that degree of independence which, under the laws, treaties, and usages of the Government, they have ever enjoyed.

Though a treaty cannot be made, for these reasons, with General McIntosh alone for a cession of territory, yet the President can see no objection to a renewal of the negotiation, as proposed by your letter of 11th instant, in order to obtain an arrangement with General McIntosh, with the consent of the nation, for the cession of the country in question ; and you are, accordingly, in conjunction with Major Meriwe-

ther, as Commissioners, authorized to renew the negotiation. You will, however, distinctly perceive in the remarks which have been made, that, whatever arrangement may be made with General McIntosh, for a cession of territory, must be made by the Creek nation in the usual form, and upon the ordinary principles with which treaties are held with the Indian tribes.

In the renewed negotiation, you will consider the instructions formerly given of the 16th July, and as applying to the renewed negotiation, as far as they are, in their nature, applicable.

The agent has received instructions to give his hearty co-operation in the object of the negotiation, and to obey, in every respect, the orders which you may give under your instructions. A copy of the letter to the agent is herewith enclosed, for your information.

I have the honor to be,

Your most obedient servant,

J. C. CALHOUN.

To Col. DUNCAN G. CAMPBELL,  
*Commissioner, &c. &c.*

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No. 10.

DEPARTMENT OF WAR,

18th January, 1825.

SIR: I enclose, by direction of the President, a copy of a letter from this Department to Col. Campbell, one of the Commissioners to treat with the Creeks, and a copy of his answer to the same. The nature and object of the letter, and the reply, sufficiently explain themselves, and will require no particular remarks.

In communicating them, however, to you, I am directed by the President to state, that, although he sees nothing in the journal and report of the Commissioners, or in the answers of Col. Campbell, to impeach your motives, yet he does not approve your conduct in relation to the late treaty. Though it is the duty of the agent to protect and cherish the Indians confided to his care, yet that duty never can be in conflict with the paramount one which he owes to the Government, and which, on all occasions, obligates him to give his hearty co-operation in effecting its views.

The Department did not suppose that any doubt was entertained on this point, and therefore did not particularly inculcate this duty in its instructions to you in relation to the Creek treaty. The extract, however, from the instructions to the Commissioners, in which they are informed that you would obey their instructions on all points, which was communicated to you, is considered as sufficiently indicating the views of the Department in regard to your duties.

The President attributes the fact to a misconception of your duties, that you did not report the meeting of the Indians at Tuckabatchee



and the Pole-cat Springs, either to this Department, or to the Commissioners, and that you did not adopt decisive measures to control the conduct of the sub-agent in his opposition to the views of the Government.

The treaty is about to be renewed, and the President, feeling much interest in its successful termination, looks, with confidence, to your hearty co-operation with the Commissioners. You will spare no pains in preparing the Indians for the meeting, and contributing to the successful termination of the negotiation; and it is also expected, that you will cheerfully, and with alacrity, obey such instructions as you may receive from the Commissioners in the fulfilment of their duties, under the instructions of the Department, a copy of which is herewith enclosed.

I am, &c. &c.

JOHN C. CALHOUN.

To Col. JOHN CROWELL,  
*Indian Agent, Creek Agency.*

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*Instructions to the U. S. Commissioners to treat with the Creek Indians.*

DEPARTMENT OF WAR,

July 16th, 1824.

GENTLEMEN : I have the honor to enclose you a commission, to treat with the Creek Indians.

At the late session of Congress, an appropriation was made, in addition to the unexpended balance of the appropriation heretofore made, for the same object, (which, together, make a sum of \$ 50,000,) to enable the President of the United States, to take the necessary measures for the extinguishment of the title of the Creek Indians, to the land now occupied by them, lying within the limits of the State of Georgia. The President, desirous that the object of the appropriation should be accomplished as fully as practicable, has directed the whole amount of it to be placed subject to your control, and he anticipates, from your prudence and abilities, the most favorable termination to the proposed treaty. You will take care, however, that the whole expenses of negotiation, including those of your commission, issues of provisions, and presents under your orders, and such preliminary expenses as the agent may be authorized to incur, shall, in no event, exceed the sum of \$ 50,000. The probable amount of provisions that will be required to be issued to the Indians, while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Col. John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the Commissioners at the time and place which they may fix on for holding it, and of which he should be early

apprized. The enclosed circular will be strictly complied with, in contracting for the provisions, and in issuing them.

It is the desire of the Government, that the feelings and wishes of the State of Georgia should be particularly attended to in any treaty that may be made with the Creek Nation. The particular tract, and the extent of country, therefore, to be treated for, are left to your sound discretion. The sum to be stipulated, for any cession that may be obtained, must, also, be left very much to your discretion, taking into consideration its extent, and the quality of the soil; but, rather than the treaty should fail, the price ought to be liberal; but, in no event, to exceed the price paid under the treaty of the 8th January, 1821, with the Creek Nation. The terms on which the land was then purchased, were considered very high. For the purchase made by that treaty, the United States stipulated to pay \$200,000 in specified instalments, and they assumed to pay, as a further consideration for said purchase, to the State of Georgia, in five annual instalments, whatever balance might be found due by the Creek Nation, to the citizens of said State; which balance has been ascertained to amount to \$100,589; making, in the whole, as the consideration for that purchase, the sum of \$300,589. You will, therefore, in fixing on a price for any cession, which may be proposed to be made by the Creek Nation, in no event exceed the price given by that treaty, taking into consideration the quantity of land ceded by it, and the quantity of that proposed to be ceded, but will, if possible, obtain it on more reasonable terms. The quantity of land ceded by the Creeks, in the treaty just mentioned, may be ascertained from the surveys which, it is presumed, have been made of it by the State of Georgia. To ascertain the quantity which they may now propose to cede, reference must be had to the best sources of information that can be obtained; particularly to the latest and most authentic maps of the State.

For the expenses of negotiating the treaty, you will draw on the Branch Bank at Savannah, of which you will give the Department notice. The Bank will be authorized, by the Treasury Department, to accept your drafts, provided they do not exceed \$50,000.

Your compensation will be at the rate of \$8, and that of your Secretary, (whom you are authorized to appoint,) at the rate of \$5, a day, for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you and your Secretary have been actually engaged. Your certificates, in like manner, will be a necessary voucher for presents distributed under your authority.

I have the honor to be, &c.

J. C. CALHOUN.

To Col. DUNCAN G. CAMPBELL, and  
Major JAMES MERIWETHER,

*Commissioners, &c.*

NOTE.—The additional instructions, of the 13th September, 1824, are to be found in the Journal of the Commissioners.

*Georgia Delegation in Congress to General Cocke, Chairman of Committee on Indian Affairs, 4th February, 1825.*

WASHINGTON, 4th February, 1825.

SIR: We have received your communication of the 2d inst. and, in reply thereto, have the honor to state that all the information which we have received, in relation to the causes which obstructed the treaty lately attempted between the United States and the Creek Indians, has been derived from conversations held by some of us with Colonel D. G. Campbell, one of the Commissioners on the part of the U. States, and who recently came to this place on business connected with the treaty. Of the ardent wish of the Commissioners to procure an extinguishment of Indian title to lands in Georgia, we have no doubt. You will doubtless recollect that the grounds for the appropriation for holding a treaty with the Creek Indians, were disclosed in a communication made by these same Commissioners, (then in treaty with the Cherokees) to the War Department, and last year laid before the House of Representatives. The causes of a failure to obtain a favorable treaty may be reduced to two.

1st. The indifference of the principal Agent in affording his aid and co-operation to the Commissioners. This indifference is discoverable from the following circumstances: As long ago as November, 1823, Colonel Campbell, (then a Commissioner to treat with the Cherokees,) had a conversation with the Agent at Milledgeville, in Georgia, soon after the election of the present Governor Troup, in opposition to Captain Talbot. This conversation Colonel Campbell detailed to one of the undersigned, and is in substance as follows: Colonel Campbell inquired of the Agent what prospect there was of obtaining a cession of lands from the Creeks. The Agent replied that the time had been when he thought it very good; that he had *had* every thing arranged with the Indians, and their minds properly prepared to make a cession; but that *then* he was indifferent on the subject, and he should put himself to no trouble about it; that if *their wishes* had been accomplished, (alluding to the recent election of Georgia,) he believed a treaty could have been made, but that it was then very doubtful; that he did not wish any friend of his to be injured by a failure of a treaty, and advised Colonel Campbell to resign, or to have nothing to do with it. His remarks were accompanied with various shrugs and allusions to the recent election, which left no doubt on Colonel Campbell's mind as to his meaning. Colonel Campbell very properly replied, that these considerations should have no influence on his mind; that however favorable he had been to the election of Captain Talbot, he felt it his duty to promote the interests of the State by every means in his power, without regard to such local political circumstances.

Colonel Campbell also detailed conversations held with the Agent at or near Broken Arrow, the late treaty ground. They were in substance, that on inquiry as to the course which he should pursue in relation to the pending treaty, the Agent replied that he should be *neutral*; that although he would afford no special aid, he would throw

no obstacles in the way; that he had collected the Indians, and the Commissioners might then do the best they could; that he had not been instructed to co-operate with the Commissioners, and that, without such instructions, he did not feel it his duty to take an active part. It appears that this statement is true, and that he never had received any *special* instructions from the War Department on this subject. Accordingly he never did afford them any aid; on the contrary, Colonel Campbell stated that, from a variety of circumstances that came under his own observation, he was impressed with the belief that the Agent was not friendly to a treaty of cession.

2d. The interference of the Cherokee Indians and others, dissuading the Creeks from making a treaty. How this interference was made, the committee can be more distinctly informed by calling for the journal kept by the Commissioners, (now believed to be in the War Department,) from which it will be seen that the Cherokee delegation in this city, during the last session of Congress, soon after its adjournment, furnished to the Creek Chiefs copies of all the proceedings and correspondence had last Winter, and which were laid before Congress; that this led to one or two councils of the Creek Chiefs, in which they came to the determination to cede no more lands, and published a *manifesto* to that effect in the Alabama papers. It appears this document was in the hand writing of the Sub-Agent, Captain Walker, (who is married to a daughter of the Creek Chief, Big Warrior;) that this proceeding was known to the principal Agent, and that he made no communication thereof to the War Department, or to the Commissioners, until they procured it by a peremptory order, (to be found on their journal,) to be produced by the Sub-Agent.

From conversations held by Colonel Campbell with some of the undersigned, there can be no doubt that Colonel Campbell was under the belief that the Sub-Agent had actively interfered to prevent a treaty; that this interference was known to the principal Agent, and that he gave no information thereof to the Government, nor to the Commissioners, until it was dragged out by their order as above described.

From like conversations with Colonel Campbell, and from other sources of information, it appears that several brothers, relations, and connections of the principal Agent, have trading establishments in the nation, in which many believe he is more or less interested. Whether this be fact, we cannot state. Colonel Campbell stated that all the conductors of these establishments were inimical to a treaty. He gave to one of the undersigned one remarkable case. He stated that the Commissioners determined to make the effort to enlist one of these (Mr. Henry Crowell, a brother of the Agent,) in the cause. Mr. Crowell appeared at first not disinclined, but subsequently, after consultation with his friends, (it is not remembered whether Colonel Campbell stated the Agent was one whom he had consulted,) he returned, and said he had determined to do nothing; but insinuating, at the same time, that were he to try, he could succeed in inclining the Indians to cede lands; but that so long as the affairs of the State of Georgia were in the present hands, he would not do any thing to aid

in establishing their popularity, and finally declined interfering on that account.

In relating these conversations it is not pretended that more than their substance is given.

Colonel Campbell is distinctly under the belief that the Creek Indians, within the limits of Georgia, over whom the Chief McIntosh has influence, are inclined to cede their lands, and remove beyond the Mississippi. They form about one half of the nation. The principal object of Colonel Campbell's visit here, was to procure authority to treat with these separately. It has been withheld, as we understand. Colonel Campbell thinks McIntosh and his party in great danger. A quarrel is existing between him and the Big Warrior, and no good understanding exists between him and the Agent. Unless sustained by the Government, McIntosh will be deprived of his power in the nation, and probably of his life. This is greatly to be regretted, as he enters fully into the views of the Government upon the removal of the Indians over the Mississippi. Colonel Campbell has been furnished with new instructions, (the tenor of which can be procured from the War Department,) and has gone to make another effort to procure a cession of land. Success is hardly probable; inasmuch as all the Alabama Indians are opposed to it, and as the Commissioners will again have to encounter the intrigues of those who have heretofore interposed their influence to prevent it. It is true the Sub-Agent has been removed, and, as is said, the principal Agent reprimanded. But the Sub-Agent is yet in the nation, with all the connections and friends of the Agent having trading establishments there, and whose opposition is well known. It is also doubtful whether the reprimand of the Agent is calculated to incite in him any zeal, inducing him earnestly to co-operate with the Commissioners in the object of their mission. Any explanations upon the matters in the foregoing communication the undersigned will be happy to make on the request of the committee.

We have the honor, &c.

THOS. W. COBB,  
J. ELLIOTT,  
JOEL ABBOTT,  
GEORGE CARY,  
EDWARD F. TATTNALL,  
WILEY THOMPSON,  
JOHN FORSYTH.

General JOHN COCKE,

*Chairman of the Committee on Indian Affairs.*

*Proceedings at Indian Springs.*

*Letter from D. G. Campbell to Col. John Crowell, Agent of Indian Affairs.*

WASHINGTON CITY, January 12th, 1825.

SIR: The Commissioners on the part of the United States have come to the conclusion of assembling the Chiefs of the Creek nation, for the purpose of submitting to them matters of importance to themselves and the Government. The day of convention will be the 7th of February next, Monday, at the Indian Springs. We are desirous that all the Chiefs of the nation should attend, who are in the habit of transacting public business, and of signing treaties.

You will cause the enclosed invitation to be circulated, forthwith, amongst the chiefs, and broken days issued accordingly. On my return to Georgia, which will be in a few days, I shall probably have occasion to address you further upon the subject of the negotiation.

I am, Sir, your obedient servant,

DUNCAN G. CAMPBELL.

Col. JOHN CROWELL,  
*Agent Indian Affairs.*

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*Copy of the Circular addressed to the Chiefs.*

WASHINGTON CITY, January 12th, 1825.

*To the Chiefs of the Creek Nation:*

By the authority of the President of the United States, you are requested to convene at the Indian Springs, on Monday, the 7th day of February next. Matters of great consequence to the nation and the United States will be laid before you.

We shall expect all to be present, on the day appointed, who are in the habit of transacting the business of the nation, and of signing treaties.

DUNCAN G. CAMPBELL,  
*in behalf of himself, and*  
JAMES MERIWETHER,  
*United States' Commissioners.*

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INDIAN SPRINGS, February 7th, 1825.

On this day the Commissioners met at this place, pursuant to appointment, but few Chiefs having arrived, no business was done. The following letter was received from the Agent, Colonel Crowell:

INDIAN SPRINGS, Feb. 7th, 1825.

GENTLEMEN: Having been informed by the War Department, of the renewal of the negotiation with the Creek Indians, for a cession of land, and being instructed to obey your orders, in relation to the negotiation, I now have the honor to inform you, that I will, in compliance with my instructions, obey such instructions as I may receive from you in the fulfilment of your duties under the instructions of the War Department, and cheerfully co-operate with you in bringing to a successful termination the present negotiation.

I have the honor to be,

Your obedient servant,

JOHN CROWELL,

*Agent Indian Affairs.*

Messrs. MERIWETHER and CAMPBELL.

The following reply was returned the next morning :

INDIAN SPRINGS, Feb. 8th, 1825.

SIR: We have received your note of yesterday, informing us of the instructions which have been communicated to you by the Department of War, upon the subject of the negotiation now pending with the Creek Indians. A successful termination of the business in which we are engaged, is every way desirable and important, whether viewed in relation to the policy and wishes of the General Government, the rights and interests of the State of Georgia, or the permanent advantage and prosperity of the Indians themselves. With these convictions, we enter again upon the discharge of our duties, with increased powers and enlarged instructions, highly favorable to success. Regarding your co-operation as an essential auxiliary, we are happy to be informed of a "cheerfulness on your part to co-operate with us in bringing to a successful termination the present negotiation." We shall re-commence our proceedings as soon as the Chiefs shall have arrived, and shall expect a free and unreserved intercourse with you during their progress.

We have the honor to be, Sir,

Your obedient servants,

DUNCAN G. CAMPBELL,

JAMES MERIWETHER.

Colonel JOHN CROWELL,

*Agent for Indian Affairs.*

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THURSDAY, 10th.

The Commissioners having discovered that Chiefs and Head Men had convened to the number of near four hundred, prepared a large council room, and gave notice to the Chiefs that they would meet them at twelve o'clock. The notice was answered by a message from

the Tuckabatchee Chiefs, that they were not ready ; and were not disposed to meet in the room prepared for the council, but were disposed to hold our meetings at their own camp. An order was then issued, calling a meeting without delay, and at the room designated, when the chiefs were assured that all intrusions should be prevented, and that no white man should be present, except the Commissioners, Secretary, and Agent. A meeting was then had, at which the Commissioners gave the Chiefs a long and friendly talk ; explained to them, very fully, the views of the Government in proposing their removal ; pointed out the country which would be assigned them in the fork of Arkansas and Canadian rivers, and explained its advantages. The late message of the President to the Congress of the United States, was then translated to them, and explained. They were cautioned against all other talks of interested or pretended friends, and told that they had no safe dependence but upon the President. The message was then put into their possession, and directed to be interpreted as often as was necessary. At the close of the Commissioners' talk, the Agent stated to the council, that he was instructed by the War Department, to tell them what was the wish of the Government on the subject. That what the Commissioners had told them, was all the talk of the President. That the President wished them to sell their lands and go beyond the Mississippi. That it was his wish, also, because it was the President's wish, and that if he was continued Agent, he would go with them, and be their friend. He stated further, that the reason why he had not given them this advice at Broken Arrow, was because he was not instructed to do so, and did not, therefore, consider it be his duty.

The propositions made at Broken Arrow were repeated : to exchange for the whole country, and give a difference of five hundred thousand dollars, which should be considered as a full indemnity for the loss of improvements, and the expense of removal. The Chiefs were then advised to consult among themselves, and give the subject a full and dispassionate consideration. The Commissioners then retired. On the evening of this day the Cowetaus, Cusseataus, Hitchetas, Soowagalaus, Talladegas, New Yorkers, Sand Towns, Thlecatchkas, and Big Shoal, met in a council of their own. There was a numerous representation from the Coweta and Cusseatah towns. The subject of the treaty was fully discussed, as we are informed, and have no doubt. A vote was taken, and was unanimous, with the exception of two inconsiderable Chiefs, in favor of a cession. Those who attended were free in their intercourse and communications with the Commissioners, and seemed to feel no restraint or hesitation in the expression of their feelings and assent, upon the subject of a sale and removal.

The following communication was received from the War Department, by express, from Washington, Georgia :



## DEPARTMENT OF WAR,

January 21st, 1825.

**GENTLEMEN :** In my instructions to you of 13th September last, there was no designation of land made, to be assigned to the Creeks, in the event of their removal. Since you left here, the subject has been further examined into, in reference to a general disposition of the tribes West of the Mississippi, from which examination I find that a portion of the country lying in the junction of the Arkansas and Canadian river, one of the principal branches of the Arkansas, and which limits the Choctaw possessions in that quarter is the best, and may accordingly be proposed. Any arrangements, however, which may be entered into in relation to it, must, of course, be subject to the extinguishment of the titles to those lands, according to the tenor of my instructions aforesaid.

I am, very respectfully, your ob<sup>d</sup>t,

J. C. CALHOUN.

To Messrs. CAMPBELL and MERIWETHER,  
*Commissioners, &c.*

FRIDAY, 11th.

The Commissioners met the council at 12 o'clock. The Chiefs were requested to give their reply to the talk of yesterday. The head Chief from Tuckaubatchee then addressed the Commissioners to the following effect : We met you at Broken Arrow, and then told you we had no land to sell ; I then heard of no claims against the nation, nor have I since. We have met you here at a very short notice, and do not think that the Chiefs who are here have any authority to treat. Gen. M'Intosh knows that we are bound by our laws, and that what is not done in the public square, in general council, is not binding on the nation. I am, therefore, under the necessity of repeating the same answer as given at Broken Arrow, that we have no land to sell. I know that there are but few from the upper towns here, and many are absent from the lower towns.

General M'Intosh knows, that no part of the land can be sold without a full council, and with the consent of all the nation ; and if a part of the nation choose to leave the country, they cannot sell the land they have, but it belongs to the nation. From what you told us yesterday, I am induced to believe that it may be best for us to remove, but we must have time to think of it ; and, should the chiefs who are here sell the land now, it might create dissensions and ill blood among the Indians. I have received a message from my head chief, the Big Warrior, directing me to listen to what commissioners have to say ; to meet them friendly and part in the same way ; but not to sell the land. I am also instructed, to invite you to meet us at Broken Arrow, three months hence, when a treaty may possibly be made, and to return home. This is the only talk I have for you, and I shall return home immediately. I gave you but *one* talk at Broken

Arrow, and shall give you but *one* here. Such is the message I have received from my head chief, and I am bound to obey. To-morrow I shall leave here. I have now said all I have to say; I will listen to any thing further you have to say, but shall give no further answer. The chiefs who were in favor of cession, being vastly superior in grade and numbers, replied to this talk, and stated that the nation was fully represented, much more so than is usual at meetings without the nation, and that they were fully authorized to make a treaty; that they had come there for the purpose of making a treaty, and should do so. Finding that the subject was undergoing a discussion, the commissioners retired for the purpose of removing the restraint which their presence might produce; and, after some further debate among themselves, the council broke up. Previous to retiring, the commissioners informed the council that they had been called together by the authority of the President, on business of importance: that the nation appeared to be fully represented, and that if any of them thought proper to leave the place before the business was closed, they should conceive themselves fully authorized to carry on and conclude their negotiation with those who remained.

#### SATURDAY, 12th.

In the morning of this day, early, the commissioners were informed that, in the course of the previous night, a part of the Cussetaus and Soowagaleos had broke up their encampment and started home. On inquiry, it was found that a part of the chiefs from those towns had secretly left their encampment after midnight, and retired, without giving the slightest intimation of their intentions, either to the commissioners or to those chiefs of the other towns with whom they acted in concert on Thursday evening, and in council on Friday. Being wholly at a loss to account for this sudden and mysterious movement, the commissioners instituted an inquiry into its cause. The only information obtained, was derived from a half breed Indian, who stated that the *order* for their departure came from Col. Hambly the interpreter. The following order was issued, and the messenger despatched. "The chiefs of the Cussetau Town having assembled at the Indian Springs, under the authority of the President, and then suddenly retired, under order, as is stated, the commissioners demand that they state, to the bearers hereof, the reasons of their leaving the treaty ground, and particularly that they state under whose order they are acting." At 2 o'clock, having prepared a treaty, in conformity with the wishes of a large portion of the chiefs, the commissioners met the council, when the treaty, having been fully interpreted and explained, was signed by all the chiefs present, except the delegation from Tuckabatchee, and one chief from Talledega. During the execution of the treaty, to which no objection had been made, the principal chief from Tuckabatchee, Poyethleyobolo, addressed the council as follows: "I have received instructions from my head chief not to sign a treaty: but perhaps, on seeing him, we may yet conclude to join you, and all be friends. I wish to part with you all in per-

fect friendship." The Tuckabatchee chiefs then took friendly leave of the commissioners and the council, and retired.

MONDAY, 14th.

The commissioners met the council: when an additional article to the treaty was interpreted to, and signed by, all the principal chiefs present.

Soon after the treaty was concluded, Colonel Williamson returned, and made the following report:

Wm. W. Williamson having been despatched, under written authority from the United States' Commissioners holding a treaty with the Creek Indians, for the purpose of demanding of certain chiefs the reasons of their leaving the treaty ground, and of ascertaining under whose authority they were acting, reports to the commissioners the occurrences of his jaunt, and the information which he acquired.

The informant states, that, under the order of the commissioners, he set out from the treaty ground, on Saturday morning, taking with him two intelligent half breed Indians, one of whom speaks English correctly.

Having progressed upwards of twenty miles in pursuit, he met a Cowetau Indian, who, upon being questioned, stated that he met Tuckabatchee Hajo, a Cussitau chief, who told him that they had left the treaty; that Colonel Stedham had told him to go; that Hambly said so; and if they did not go, they would all be put to jail. (Colonel Stedham is a chief of Soowagoloo town, and Hambly is United States' Interpreter.) The informant then proceeded a few miles onward, and overtook the son of old Tuskenaha, the head chief of Cussetau. He stated that, the overnight, Colonel Stedham came to the camp, and took his father out, and that, in their absence, he fell asleep, and when he awoke he found that all were gone, and word left for him to follow. The young man then referred us to another Indian, who was travelling with him, who, he said, was riding Stedham's saddle. The person referred to was then examined, who stated, that, in the night, a white man came to the camp, and called out Stedham, and had a conversation of some length. At the close Stedham returned to the camp, and said he should be off, and would take the (examinant's) saddle, and examinant must bring on his. We then proceeded to Flint river; forty miles from the treaty ground. We there learned that the retiring party had crossed the river about the middle of the day, and observed that they were then out of danger, and could not be overtaken. We found that the party had stopped, and some were resting, and others amusing themselves. Search was made for Tuckabatchee Hajo, who, upon being questioned, acknowledged that he had made the statement to the young Indian, as before related, and confirmed it. He added, that Hambly had told Stedham to go, and to take old Tuskenah with him.

Another old Chief was next examined, Ossa Pochee, who stated that Stedham had come to the camp in the night, and called out old Tuskenah, and had a long talk, and told him, that if they did not all

go, the white people would have them all in jail; that they must start that night, and ride all night, and get over the line, or they would be overtaken. They then broke up and set out.

Another Indian stated that Stedham said, that if old Tuskenah and his party were brought away, what were left could not make a treaty, and that was the reason they came off. These examinations were had in the course of Saturday night: next morning we sought an interview with old Tuskenah himself. He was found extremely indisposed to a full disclosure; but, upon being closely questioned, acknowledged that Stedham had come to him in the night and told him to go; that he was one of the oldest Chiefs, and that a treaty could not be made without him. Other Indians standing by, observed to Tuskenah, that he had told them a different story before. He then acknowledged that Stedham had said the orders came from Hambly, and that Stedham's information was as he had before stated. He said that he was a friend to the Commissioners and the President, and had no notion of going off, until Stedham gave him the talk. In the course of the examination, he implicated Poyeth-yoholo, and said that he had come to the camp and told them to go and break up the treaty for the present, and they would meet again a few months hence, at Broken Arrow. Poyeth-yohola is the head Chief of Tuckabatchee, attending the treaty.

In our jaunt we received certain information of the death of the Big Warrior, from different sources.

The Commissioners then convened the Chiefs; distributed some presents; ordered them furnished with rations to take them home; advised them to temperance and unanimity, and took friendly leave, and adjourned.

*Col. Crowell to the Secretary of War,*

INDIAN SPRINGS, Feb. 13, 1825.

SIR: In compliance with instructions received from Col. Campbell, while in Washington city, I notified the Chiefs of this nation to meet the United States' Commissioners at this place, on the 7th instant, for the purpose of treating with them for their lands.

Your letter of the 18th, enclosing a copy of the instructions to the Commissioners, did not reach me until the 6th. On the arrival of the Commissioners, I informed them that I was ready to obey their orders on all points touching the negotiation, and cheerfully co-operate with them in effecting the object of their mission.

Yesterday a treaty was signed by M'Intosh, and his adherents, alone. Being fully convinced that this treaty is in direct opposition to the letter and spirit of the instructions, which I have a copy of, I feel it to be my bounden duty, as the Agent of the Government, to apprize you of it, that you may adopt such measures as you may deem expedient as to the ratification: for, if ratified, it may produce a horrid state of things among these unfortunate Indians. It is proper to

remark, that, with the exception of M'Intosh, and perhaps two others, the signatures to this treaty are either chiefs of low grade, or not chiefs at all, which you can perceive by comparing them to those to other treaties, and to the receipts for the annuity, and these signers are from eight towns only, when there are fifty-six in the nation.

I beg you to be assured that I pursued, strictly, your instructions in relation to this negotiation; and, although the treaty has not been made in conformity with the instructions of which I have been furnished, yet I think it can be, at no distant day, to the entire satisfaction of the Government. I have made those hasty remarks from conviction of duty, to apprise you of the manner in which it was accomplished; and, if it be thought necessary, I can give you all the particulars pending this negotiation. A deputation of head chiefs are desirous of visiting Washington, to have a full and fair understanding relative to —

I have the honor to be, your obedient servant,

JOHN CROWELL,  
*Agent for Indian Affairs.*

The Hon. JOHN C. CALHOUN,  
*Secretary of War.*

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Col. John Crowell to Col. T. L. McKenney.

WASHINGTON CITY, March 9, 1825.

SIR: By yesterday's mail I received the enclosed papers from the head Chief of the Creeks, relative to the treaty lately concluded with a part of that nation, at the Indian Springs, in Georgia, which I believe to be my duty to lay before your department.

I have the honor to be, your obedient servant,

JOHN CROWELL,  
*Agent for Indian Affairs.*

Col. T. L. MCKENNEY,  
*Washington City.*

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*Creek Chiefs to the President of the United States.*

THLE-CATCH-CA, 21st Feb. 1825.

*To the President of the United States:*

Father and Friend: In justice to our own consciences, and solicitude for the welfare of our people, we are urged to the very unpleasant necessity of troubling you concerning the late transactions at the Indian Springs, which the base treachery of one of our chiefs, Gen. Wm. McIntosh, has made somewhat alarming. This man, McIntosh, we had placed confidence in, and we are mortified when we are obliged to say, that he has abused it. At the treaty held at Thle-catch-ca, (Broken Arrow,) in December last, McIntosh was the Speaker for our Nation, and when in public council, delivered our sentiments,

while at the same time, in private, he was using his influence against the known wish of the people of our nation, publicly and in full council expressed.

The Commissioners of the United States said, when they came among us, that they wished to deal fairly, openly, and in public; this was also our wish; their propositions were made in full council, and in full council were promptly answered.

We know of several secret meetings convened by McIntosh; the first at this place, another at Coweta, the third at Flint river, and the fourth at the Indian Spring, at which last place it seems he has too fully succeeded in his nefarious scheme, pretending to make for the purpose Chiefs who have never before been known, and who are not now recognised. For the truth of this statement we refer you to our agent, who has a list of the actual chiefs which assigned [signed] the treaty, among which there is but one principal, (McIntosh.)

We understand that, by an article in that treaty, that two hundred thousand dollars is to be paid, as soon as practicable, by the United States' Commissioners. This is a course not generally pursued by the United States' Government. We furthermore know that this article was not read, and consequently not interpreted to all the Chiefs present; that is, not at the time of signing of the treaty. We think \$200,000 the price of McIntosh's treachery. After deducting such an amount from the whole sum promised to take us away, it leaves but a small pittance to defray expenses. In fact we cannot think that a treaty made under such circumstances, by a small minority of our people, will be ratified; at least not until we can have time to make a more equitable arrangement. We pray you to defer the ratification for the present, and give us time for deliberation. It is a great undertaking for a people to leave a country that has been endeared to them by the strongest ties. If we must remove, give us time for preparation, and make arrangements for a distribution of the funds necessary for a removal.

That justice may guide, and mercy direct you, is the fervent prayer of your children.

|                  |             |
|------------------|-------------|
| LITTLE PRINCE,   | his x mark. |
| HOPOY HADGO,     | his x mark. |
| TUS-KE-HE-NA-HA, | his x mark. |
| JOHN STIDHAM,    | his x mark. |
| OAKFUSKEE YOHOL, | his x mark. |

Witness:

WM. HAMBLY,  
JOHN A. PECK.

List of Chiefs present at the Treaty at the Indian Spring, in February 1825, which positively refused to assign the Treaty.

## TOWNS OR TRIBES.

## NAMES.

## Thlecatchca

Tuskeger Tustenuggee, (Representative of his father, the Little Prince.)

Eyoufkee Emathlau Hadgo,

Cochaus Micco,

Enehá Hadgo.

## Cussetah

Tuskehenaha, (Principal Cussetah Chief, and one of the Principals of the Nation.)

Oakfuskee Yoholo,

Chathlisle Tustennuggee,

Hopothle Hadgo,

Cussetah Tustennuggee,

Eneha Micco,

Efau Emathlau,

Isfaune Tustenuggee Hadgo,

Cussetah Micco.

## Oswechee

Powasee Emathlau, (Nephew and Representative of Hopoy Hadgo, a Principal Chief,)

Hoithlewaltee Tustenuggee,

Ocktoathche Emathla,

Oswechee Emathla,

## Uchee

William Barnard, (Principal Chief,)

Oswechee Tustenuggee,

Eahlá Hadgo,

Scoat-kee,

Etolowathlucco Tuskehenaha.

## Sowokeelau

John Stidham, (one of the Principal Chiefs of the Lower Towns,)

Sawokeelau Tustenuggee,

Eneha Micco,

Eneha Thlucco Yoholo,

Estechaco Hadgo.

## Eufaulce

Powas Hadgo,

Estechaco Micco.

Principal Chiefs from the Upper Towns, who were not Red Sticks :

Opoithle Yoholo, (Speaker of the Upper Creeks,)

Tuskehenaha, (Big Warrior's son,)

Tuckabatchee Micco,

Oakjoyee Fixeco,

Nehá Thlucco Hopoie,

Yoholo Micco,

Yahlhá Hadgo, (*Mad Wolf*.)

We certify, that the above named Chiefs were present at the meeting held at the Indian Spring, in February, 1825, and positively re-

used to assign the treaty, said to have been made by the Chiefs of the Creeks.

In witness whereof, We hereunto set our hands, this 21st February, 1825.

Little Prince, his x mark, Head Chief,  
Hopoy Hadgo, his x mark,  
Oakfuskee Yoholo, his x mark,  
John Stidham, his x mark,  
Tuskechenaha, his x mark, Principal  
Chief of the Cussetahs.

In presence of

WM. HAMBLY,  
JOHN A. PECK.

List of the names of the Chiefs which assigned [who signed] the treaty at the Indian Springs.

*Cowetas,*  
Wm. McIntosh,  
Etome Tustennuggee,  
Coweta Tustennuggee,  
Joseph Marshall,  
Tuskechenaha,  
Coejus Hadgo,  
Hoithlehoemathle Tustennuggee,  
*Thlecatchca.*  
Wm. Miller,  
Arbiker Tustennuggee,  
Hoithlepole Tustennuggee.  
*New Target.*  
Wallucco Hadgo,  
*Sand Town.*  
Komopoie Emathlaw.  
*Hitchettee.*  
Josiah Gray.

We certify that the above list contains the names of the only Chiefs of the Creek nation, which assigned the treaty at Indian Spring in February, 1825. In witness whereof, we have hereunto set our hands this 21st February, 1825.

Little Prince, his x mark, Head Chief of  
the nation,  
Hopoy Hadgo, his x mark,  
Oakfuskee Yoholo, his x mark,  
John Stidham, his x mark,  
Tuskechenaha, his x mark, Principal Chief  
of the Cussetahs.

In presence of

WM. HAMBLY,  
JNO. A. PECK.



*Colonel John Crowell to the Secretary of War.*

WASHINGTON CITY, *March 12, 1825.*

SIR: I enclosed, a few days since, to Colonel M'Kenney, some papers which I received from the Head Chief of the Creeks, protesting against the ratification of the treaty lately concluded with a part of that nation.

I am acquainted with the circumstances under which this treaty was accomplished, and it is due to the Creek nation, to state, that I think they have just grounds of complaint. I very well know that those who signed the treaty, with the exception of McIntosh, are not Head Men of that nation, nor have they been considered as having any weight in their national Councils; but it may be said, that the circumstance of the treaty having been ratified by the Government, leaves them no alternative but submission to its provisions; and it consequently becomes my duty as the Agent of the Government, to co-operate in carrying it into effect, which shall be done with cheerfulness. It is, at the same time, my duty to protect, to the utmost of my power, the lower order and large body of Indians against the abuses of their leading Chiefs, and *others* in their employ; and with this view, I beg leave to call your attention to the provisions of the 5th Article of this treaty, which stipulates that the payment and disbursements of the first sum therein provided for, shall be made by the Commissioners negotiating the treaty. Now, it is proper to remark that this article, for causes best known to the Commissioners, was not read or interpreted to the Council. This circumstance, together with the fact, that this is a new stipulation in the history of Indian treaties, warrants the conclusion that there must have been some secret motive for it, and my mind is drawn irresistibly to the conclusion that it was with a view of placing the funds at the disposal of McIntosh—and perhaps to cover some promises; in such an event, from my knowledge of McIntosh's character, I have no hesitation in saying that the funds would not be honestly and fairly distributed.

Under these impressions, it becomes my duty as the Agent of the Government, as well as the friend and protector of the large body of Indians, to call your attention to this matter, under a full conviction that you will readily discover the propriety of exercising such a control over the disbursement of this money, as will cause justice to be done. It is likewise respectfully suggested, that, for the purpose of aiding justice, that the money be distributed at some suitable point within the limits of the ceded country.

In submitting to your consideration these remarks, I wish you to understand, distinctly, that I am actuated from the desire alone of having a just and equal distribution of the fund.

I have the honor, &c.

JOHN CROWELL,  
*Agent for Indian Affairs.*

The Hon. JAMES BARBOUR,  
*Secretary of War.*

*The Governor of Georgia to the President of the United States.*

**EXECUTIVE DEPARTMENT, GEORGIA,**

*Milledgeville, 31st March, 1825.*

SIR : You will see, by the enclosed proclamation, that effectual measures will be taken to protect the Creeks in the occupation of the country lately ceded by the Treaty of the Indian Springs, so that no harm will be suffered by them in their persons, goods, or effects, before their final departure, under the provisions of that treaty. In the mean time, they are asked to consent to the survey of the country, under the authority of the State, with confident expectation it will not be refused. In this event an extraordinary session of the Legislature will be convened in the early part of the month of May next, in order that the requisite measures be adopted for the survey and division of the lands. To the execution of these, the running and marking of the line between this State and the State of Alabama, is indispensable, and for this object, you are most earnestly requested to appoint Commissioners on the part of the United States to meet Commissioners to be appointed on the part of this State, at an early day and convenient place, that the work may be commenced and completed without delay. It will be for you to decide whether the State of Alabama, on account of her eventual and deferred interest, shall be consulted or not. Having first invited the State of Georgia to press this measure upon the General Government, she has recently, for some reason unknown to me, rescinded her resolution and retired from it.

It may be proper to add, that the Indians are anxious to abandon the country, and that, if no obstacles are interposed, they will, in the course of the next Autumn or Winter, find themselves on the Western side of the Mississippi, by which time the Government of the State will be prepared to settle and organize it ; an object of the first importance to Georgia, and of no little consideration, it is presumed, with the United States.

Be pleased, Sir, to make known to me, as early as possible, your determination in this respect, and accept the assurance of my high consideration.

**G. M. TROUP.**

The **PRESIDENT** of the United States,  
*Washington City.*

### A PROCLAMATION.

**GEORGIA.**—*By His Excellency George M. Troup, Governor and Commander-in-Chief of the Army and Navy of this State, and of the Militia thereof.*

Whereas, by a treaty concluded with the Creeks at the Indian Springs, on the 12th day of February last, their claims to the whole territory within the limits of Georgia, were ceded to the United States, and the ratification of the same, by the President and Senate,

having been made known to me, by which act the territory aforesaid, according to the stipulations of the treaty and of the articles of agreement and cession in the year 1802, will, on or before the first day of September, 1826, pass into actual possession of the State of Georgia :

And whereas, it is provided in said treaty, that the United States shall protect the Indians against the encroachments, hostilities and impositions of the whites, so that they suffer no interruption, molestation, or injury, in their persons, goods, effects, their dwellings, or the lands they occupy, until their removal shall have been accomplished, according to the terms of the treaty :

I have therefore thought proper, to issue this my Proclamation, warning all persons, citizens of Georgia, or others, against trespassing or intruding upon the lands occupied by the Indians within the limits of this State, either for the purpose of settlement or otherwise, as every such act will be in direct violation of the provisions of the treaty aforesaid, and will expose the aggressors to the most certain and summary punishment by the authorities of the State and of the United States.

All good citizens, therefore, pursuing the dictates of good faith, will unite in enforcing the obligations of the treaty as the supreme law, aiding and assisting the magistracy in repressing and punishing any disorder or violence which may infringe its provisions, and all officers, civil and military, are commanded to be vigilant in preventing offences under it, and in detecting and punishing offenders.

Given under my hand, and the great seal of the State, at the State House, in Milledgeville, this twenty-first day of March, in the year of our Lord, eighteen hundred and twenty-five, and of the forty-ninth year of the Independence of the United States of America.

G. M. TROUP.

By the Governor.

E. HAMILTON,

March 22.

Secretary of State.

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*Letter from Governor Troup to the President of the United States ; accompanied by a resolution of the Legislature of Georgia, of November, 1824.*

#### EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, 13th April, 1825.

SIR : The enclosed resolution of the General Assembly of this State, passed at their last annual session, will show their desire, (repeatedly expressed,) that the dividing line between Georgia and Florida should be run, and permanently established. In conformity with it, I ask the favor of you to cause the necessary measures

to betaken, as early as possible, to effectuate this object, in which you may rely on my readiness to co-operate at any time.

With great respect and consideration,

G. M. TROUP.

The PRESIDENT of the United States.

*In Senate, 13th November, 1824.*

*Resolved.* That his Excellency, the Governor, be requested, as early as is convenient, to open a correspondence with the General Government, and the Government of Florida, if necessary, on the subject of establishing permanently the line dividing this State from Florida, and to take all measures necessary to accomplish this object.

Read and agreed to.

ALLEN B. POWELL,  
*President of the Senate.*

Attest, WM. Y. HANSELL, *Secretary.*

*In the House of Representatives, 16th Nov. 1824.*

Read and concurred.

JOHN ABERCROMBIE,  
*Speaker of the House of Representatives.*

Attest, A. B. HOLT, *Clerk pro tem.*

Approved, 20th November, 1824.

G. M. TROUP, *Governor.*

*Creek Agent to the Secretary of State.*

PRINCETON, CREEK NATION,

*April 27th, 1825.*

SIR : The Governor of Georgia has issued his proclamation convening the Legislature of that State, for the avowed purpose of authorizing the running and surveying of the lands acquired by the late treaty of the Indian Springs, within the limits of Georgia ; he states, in the proclamation, that the assent of the Indians had been obtained. This document, together with the letter, with McIntosh's name to it, addressed to Governor Troup on that subject, reached this place when the chiefs were in General Council, for the purpose of receiving their annuity for the present year, when I communicated the contents of the proclamation to them ; it seemed to add to their melancholy and distress ; and declared, that so far from having given their assent to so illiberal a request, that they had not been consulted in relation to it ; and supposed that the Governor had acted upon the

authority of McIntosh, and (to use their own words,) such other names as he could steal. The chiefs, and particularly those residing on the ceded territory, have requested me to state to you their decided objection to the surveying of the lands until they can remove from them, under a firm conviction that the Government will interpose its authority, and put a stop to this unjustifiable design of the Governor of Georgia. It is proper to remark, that if the lands are surveyed by the State of Georgia, it will be impossible to prevent the encroachments and impositions of the whites, which the United States have stipulated for in the 8th article of the treaty, without a strong military force. Justice and humanity require that the protecting arm of the Government should be extended to these now helpless and dejected people.

It would seem that Governor Troup has assumed to himself the powers and duties of Secretary of War, in regard to the affairs of this nation: I can frequently hear of his sending his aid-de-camps and others in the nation, holding talks with the Indians, and dealing out his threats to them; and McIntosh seems to be playing agent under him. Believing it possible that the *state papers* issued by them, in relation to surveying the land, may have escaped your observation, I herewith enclose them for your perusal.

The head chiefs of the nation appear to be in great distress relative to their condition, and are desirous of sending a deputation of chiefs to Washington next Winter, for the purpose of understanding, fully and distinctly, the views of the Government in relation to their future prospects; and have requested me to ask your permission to do so.

I have the honor, &c.

JOHN CROWELL  
*Agent for Indian Affairs.*

HON. JAMES BARBOUR,  
*Secretary of War.*

### A PROCLAMATION.

GEORGIA. *By his Excellency George M. Troup, Governor and Commander in Chief of the Army and Navy of this State, and the Militia thereof.*

Whereas by a treaty, concluded at the Indian Springs on the 12th day of February, 1825, and duly ratified by the President and Senate, the Indian claims to all the lands occupied by the Creeks within the limits of this State, were extinguished for the benefit of Georgia, by the United States, in virtue of the articles of agreement and cession of the year 1802, whereby the title to the same has become absolute in the good people of this State, subject only to the temporary occupancy of the Creeks, preparatory to their removal beyond the Mississippi:

And whereas it is highly important that the territory aforesaid should be organized and settled, with as little delay as may comport with the provisions of the treaty, and to this end, the assent of the

Indians having been obtained, to the running and survey of the country under the authority of the State :

Now, be it known, that the events before recited, forming an extraordinary occasion to convene the General Assembly, I do, as well in virtue of the powers in me vested, by the 8th section of the second article of the constitution, as by authority of a resolution passed by the General Assembly, on the 20th day of December last, hereby require the members of the Senate and of the House of Representatives of the General Assembly of this State, to convene at the state house, in Milledgeville, on Monday, the twenty-third day of May next. to deliberate and decide on such matters as shall then and there be submitted, or as in their wisdom the general welfare shall seem to require.

Given under my hand, and the great seal of the State, at the state house in Milledgeville, this 18th day of April, 1825, and of the independence of the United States of America the 49th.

GEORGE M. TROUP.

By the Governor,  
E. HAMILTON,  
*Secretary of State.*

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*General McIntosh to Governor Troup.*

CREEK NATION, April 12, 1825.

To Gov. TROUP: I have taken the liberty of sending to you a memorial of our Chiefs to the Legislature of your State, and request the favor of you to cause it to be laid before them, with such remarks of your approbation as you may, in friendship towards us, think proper to bestow.

In giving, voluntarily, our consent for the survey of the land in the late Treaty, we were actuated by motives of friendship purely toward you and toward your people. No consideration of a mercenary nature could be permitted to enter our breasts when a favor was asked of us, particularly by your Excellency, and in behalf of your people. We know the great importance it was to your people to be ready to occupy the country immediately after our removal from it, and have, with true hearts of friendship, acceded to your request. We would have thought it disgraceful in us to attempt to make a condition founded on your wants or desires, a price for our own acquiescence.

The opportunity presented itself, and we hope the circumstance will have only the effect to render ourselves worthy of your esteem and friendship.

I remain your brother and friend,  
WM. MCINTOSH.

*Extract of a letter from Gen. Wm. McIntosh, to Gov. Troup, dated  
Lock-Chau-talo-faw, April 12, 1825.*

“I request your Excellency to publish, in some of the public newspapers, that persons wishing to make purchase of property of any kind, or to buy out our improvements for the balance of our time, must first attend at my house and enrol their names, specifying the kind of property purchased, and from whom, stating the residence of each party; all such persons we shall consider coming amongst us as fair traders, and all such as may settle on land improved, or not in the bounds of the late Treaty, will be considered by us, and report as intruders to your Excellency, if they do not comply with those terms.”

*Creek Agent to the Secretary of War.*

PRINCETON, CREEK NATION,

*May 2d, 1825.*

SIR : An Indian runner, from the neighborhood of the residence of the Indian Chief McIntosh, reached this place to-day; and states, that a party of about three hundred warriors, two days ago, attacked and put to death McIntosh, and one other Chief, of his party. My informant likewise states, that the perpetrators of this act, reside on the lands ceded by the late treaty of Indian Springs. Although this intelligence is derived from a source not to be entirely relied on, I nevertheless apprehend it may be true; for in addition to the great displeasure which he had already given the nation, for having sold the land, contrary to the wish of the Chiefs, his having given the Governor of Georgia permission to survey the land, before the time had expired, by the treaty stipulation, and before they could conveniently remove from it, was well calculated to augment that displeasure; and there is no doubt but it had its weight, in producing this catastrophe: and I cannot disguise the fact, that I entertain great fears that this affair, if true, is but the commencement of that dreadful state of things I apprehended would result from the ratification of that treaty; and which I communicated to your predecessor. As soon as I am in possession of more certain and correct information, relative to this transaction, I will, without delay, communicate it to you. If Governor Troup puts into execution his threats, the whole Creek Nation will be overrun by his troops, before this reaches you.

I have the honor, &c. &c.

JOHN CROWELL,  
*Agent for Indian Affairs.*

HON. JAMES BARBOUR,  
*Secretary of War.*

*Governor of Georgia to the President of the United States.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 3d May, 1825.*

SIR : Yesterday, Chilly McIntosh, son of the General, and bearer of this, came, with other chiefs, to announce the death of his Father. On the night of the 29th ultimo, whilst reposing in his bed, the savages, hostile to the treaty, in great numbers, beset and fired his house, and this man, whose virtues would have honored any country, perished by the flames, or the tomahawk. The old chief of Coweta, who was pursued with the same vengeance, and for the same objects, perished with him. The crime of McIntosh and Tustunnuggee, is to be sought in the wise and magnanimous conduct, which, at the Indian Springs, produced the treaty of the 12th of February, and which, in making a cession of their whole country, satisfied the just claims of Georgia, reconciled the State to the federal Government, and made happy, at least in prospect, the condition of the Creeks ; when, by the last of his generous actions, he had given his consent, in union with his council, to the survey and appropriation of the country, only to gratify the wishes of the Georgians, and was on the eve of departure to explore the new home, where the future fortunes of all are to abide, he met the stroke of the assassin ; and the bravest of his race fell by the hands of the most treacherous and cowardly. The guilty authors of this massacre it will be for you to detect and punish : I have done my duty. You will soon read, in my official correspondence with your Government, the Indians, and the Commissioners, the beginning, the progress, and the end, of this frightful tragedy, in which the catastrophe was foreseen, of which, ever and anon, the Government of the United States was distinctly forewarned ; which, by the breath of its nostrils, might have been averted, but which was not averted. In despite of every thing attempted to the contrary, I had before succeeded in maintaining peace : even now, at the very moment I write, a message, of which you have a copy, is despatched to the surviving Chiefs to forbear hostility. I believe the advice will be taken as an order, but it is my duty to inform you that, to keep this peace longer than I can hear from you, will be impossible to any efforts of yours or mine, unless the most ample satisfaction and atonement shall be made promptly for the death of McIntosh and his friend. The Legislature will convene in a few days ; and, on this account, I have deferred any measures either of retaliation or protection.

With great respect and consideration,

G. M. TROUP.

The PRESIDENT of the United States,  
*Washington City.*



*Letter from Governor Troup to Col. Marshall.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 3d May, 1825.*

FRIEND : I heard, with sorrow, yesterday, of the death of our common friend, McIntosh. All good hearts among the whites deplore it as much as you. Satisfaction will be demanded, and satisfaction shall be had ; but we must not be hasty about it. We will be cool and deliberate in the measures we take, and then we will be certain to be right. You be peaceable and quiet until you hear from me, in the same manner as if nothing had happened to McIntosh or Tustunnuggee. But, depend on it, my revenge I will have. It will be such as we have reason to believe the Great Spirit would require ; such as our Christ would not think too much ; and yet so much that I trust all red and white men will be content with. Mind what I say to you, until you hear from me.

G. M. TROUP.

Col. JOSEPH MARSHALL,

*Chief of Coweta, Creek Nation.*

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*Letter from Duncan G. Campbell to the Secretary of War.*

WASHINGTON, 4th May, 1825.

SIR : I have lately received from the Department, and Colonel McKenney, communications, touching the sums first required by the late Treaty, to be paid to the Creek Nation and General McIntosh. No time will be lost in reducing these drafts to cash, and disbursing the proceeds. The amount which shall be realized will be duly reported to the Department of the Second Auditor, where we are informed we are held accountable.

Yours, of the 23d March, under the direction of the President, prescribes the rule to be observed by the commissioners, in the disbursement of the instalment. It was not without reluctance that the commissioners yielded to the earnest solicitations of the chiefs, in taking upon themselves this additional and highly responsible duty. In their various negotiations and intercourse with the Indians, they are not conscious of having departed from "established usage," or the "dictates of justice." To secure a distribution, in accordance with these principles, was their chief motive in accepting the office. No apprehension need be entertained, that the chiefs will not "readily receive their respective portions." Accounts of their discontent, if not wholly unfounded, have, at least, been greatly exaggerated. They disclaim the feeling themselves, and I regard as criminal all attempts to excite it, or to establish its existence. We propose within a short period again to assemble the chiefs. It will be our object at such convention, to propose a purchase of the remainder of their territory ;

to reconcile the whole nation, and to effect their entire removal, if possible, agreeably to the benevolent scheme of our late Chief Magistrate.

I have the honor, &c.

DUNCAN G. CAMPBELL.

The Hon. J. BARBOUR,  
*Secretary of War.*

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*Letter from Col. John Crowell to the Secretary of War.*

PRINCETON, CREEK NATION.

May 8th, 1825.

SIR: The intelligence of the death of McIntosh, which I communicated to you by last [mail], has been confirmed, through the Little Prince, with the additional information of the death of two others, by same party.

The Prince wishes me to inform the Government, that this party of warriors acted under the orders of the proper authorities of the nation; and that they were only executing a law of the nation; and to assure you that no hostility or unfriendly feelings are entertained towards the Government, or any white person whatever.

Intelligence reached the Prince, two days ago, that the friends of McIntosh intended to put him to death, and had likewise threatened me. As soon as this news got among the Indians, the whole nation was under arms, and in motion, and it was with some difficulty I could restrain them from pursuing and putting to death the whole party. I have, however, I think, succeeded in restraining them from further acts of violence, unless they should be urged by further threats; in that event, they cannot be stopped.

I have no doubt but some of my enemies in Georgia have endeavored to induce the friends of McIntosh to believe that I had been instrumental in this business; and I should not be surprised if similar representations should be made to your Department. In that case I beg you to be assured, that there is not the least foundation for such a belief. I did not even hear of such an intention on the part of the head men, until the intelligence of his death reached me.

I have, &c.

JOHN CROWELL.

*Agent for Indian Affairs.*

Hon. J. BARBOUR,  
*Secretary of War, Washington city.*

*Brigadier General Ware to Governor Troup.*

LINE CREEK, FAYETTE COUNTY, GA.

May 1, 1825.

Governor TROUP:

The information you have no doubt received by Chilly McIntosh and other Indians, will be confirmed by the following relation of the circumstances attending the horrid transaction on the Chatahoochie and Tallapoosa, in the Creek nation. On the morning of the 30th April, several neighbors of mine, who lodged on the banks of the Chatahoochie, this side of McIntosh's, about day break heard the war whoop, and they supposed from 2 to 400 guns were fired—the houses were on fire when they set off. An intelligent Indian, Col. Miller, who has fled to my house, together with about 150 others, states that he supposes there is upwards of 400 warriors of the hostile party, embodied on the Chatahoochie, at McIntosh's, feasting upon all the cattle they can find, hogs, &c. belonging to the friendly party: states, also, that they have taken McIntosh's negroes, and all other property they can find. They, he states, intend marching toward the settlement of the whites in three days; in this I am a little incredulous, though so far as the resources of our country will afford, I will be prepared. Major Finley Stewart is collecting some volunteers to go out and reconnoitre the country; he will set off as soon as practicable. He, Col. Miller, supposes, including numbers long cloaked under the garb of friendship, who, since the death of McIntosh, have joined the hostile party, that the hostile party in the nation largely exceeds 4000 warriors, and that the friendly party amount now to only about 500; they implore protection—they need it—they are constantly coming in—say the road is covered with others.

Very respectfully,

ALEX. WARE.

Some provision ought to be made to supply those refugees with food.

A. W.

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*Governor Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT,

Milledgeville, 5th May, 1825.

SIR: I lose no time in communicating, for the information of the President, a copy of a letter received this morning from Brigadier General Ware, commanding the 2d Brigade of the 5th Division of the Militia of this State, and to advise you that measures have been adopted for the adequate protection of the frontiers, and for the safety of the friendly Indians seeking refuge within our limits, until the authority of the United States can be effectually interposed for these

purposes ; and that, therefore, the expenses incurred in the mean time will be considered chargeable to the United States.

In due time, the measures referred to will be laid before you in extenso.

With great consideration and respect,

G. M. TROUP.

The SECRETARY OF WAR.

Col. Hawkins, the Interpreter and friend of McIntosh, has shared his fate.

G. M. T.

*Governor Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 9th May, 1825.*

SIR : I enclose, for your information, a copy of a letter received, on the 7th inst. from Brigadier General McDonald, commanding 3d Brigade of the 6th Division, and my answer.

The friendly Indians continue to desert their houses and seek protection within our limits. Our arms are open to receive them at all points, and the necessary measures taken for their maintenance ; the expense of which will devolve on the United States or the Indians—it is hoped on the former.

Very respectfully,

G. M. TROUP.

The SECRETARY OF WAR.

P. S. Up to this time not a word has been received from the Agent.

G. M. T.

*Governor Troup to Brig. Gen. C. J. McDonald.*

HEAD QUARTERS, MILLEDGEVILLE,

*7th May, 1825,*

SIR : Your letter of the 6th instant, by express, is this moment received. I am happy to learn from him that he bore to you orders from General Wimberly, in consequence of my general orders to him. You are, therefore, already on your guard, and you will not hesitate a moment to take the necessary measures : first to make safe the frontier, and then to give the Agent any protection which, according to the evidence before you, his safety shall demand ; and of which, from your proximate situation to him, you will be the exclusive judge. I hope that no harm has befallen him ; and, if not, you may assure him that any force, which may be necessary to reduce to order and obedience any militant tribes of the Creeks within our limits, shall be furnished

promptly under the command of a trusty officer, who will be charged with full powers to act efficiently under any exigencies which may arise. I thank you for the promptitude with which you have communicated this new information; at the same time I indulge hope that the cause of alarm has been exaggerated.

It is scarcely to be believed that the Agent, from whom nothing has been heard, well knowing the contentions which agitate the country, and the imminent perils which surround him, should not have despatched runners to make known to this Government, officially and without delay, the circumstances which your letter discloses upon the authority of a respectable traveller. The express which brought it, carries the answer.

With great respect and consideration,

G. M. TROUP.

Brig. Gen. CHARLES J. McDONALD,

*Commanding 3d Brigade, 6th Division, Georgia Militia, Macon.*

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*Brig. Gen. McDonald to Governor Troup.*

MACON, 6th May, 1825.

HIS EXCELLENCY GEO. M. TROUP :

SIR : I have just received information in relation to the existing disturbances among the Creek Indians, which I deem sufficiently important to be promptly communicated to you. A Mr. Freeman, a gentleman no doubt of high character, has just arrived in this place from Alabama with his family. He states, that the Indians appear to be in an alarming state of excitement, and, from their general demeanor, so far as it came under his observation, seem determined upon mischief. Their professions, however, as far as he understood them, are entirely friendly to the whites, with the exception of the Agent. On his destruction both parties seem determined. Mr. Freeman passed by Fort Mitchell on Wednesday last, at which place he saw the Agent, who informed him that while at supper the evening before, a runner from a town about thirty miles distant, informed him that on that night he was to be murdered; the Agent had made every preparation in his power for his defence, and stated that he believed his death had been determined on, at a talk which was held on the Wednesday week preceding. He had communicated to the Indians the ratification of the treaty, and suggested to them the propriety of selling that portion of the territory which had been reserved, and to go in a body beyond the Mississippi. To the proposition to sell, no reply was given, and he was asked if he signed the treaty. He informed them that he had signed it in the character of a witness. After the talk with the Agent was over, the Indians held a secret one, from which the Agent and all the white residents were excluded; at which time, the Agent supposes, all their schemes of mischief were devised. Since Mr. Freeman left Fort Mitchell, he has been informed that the time on which the Agent was to be killed, was on Wednesday night, and not on Tuesday night, as communicated by the runner. He entertains no doubt but their

purpose is executed before this time. If, however, he should be mistaken in his apprehensions, would it not be proper, from his peculiar perilous situation, to afford the Agent prompt and efficient relief? Both parties of the Indians, those friendly and those hostile to the treaty, are alike excited against him; both have pronounced the same fate for him. Col. Crowell, it is believed, could command between three and four hundred Indians, and, if he had military supplies for them, could at least defend himself, although the hostile party is formidable; this opinion has been suggested by Mr. Freeman, but a small additional force could do no injury.

There is one circumstance more strongly indicative of the hostile design of the Indians towards the whites generally, than their war-like exhibitions. It is this: the whites who have been resident among them, and who are acquainted with their habits and character, are sending their families from the Nation. The Indians hold a talk on Monday next; for what purpose it is not known.

Yours respectfully,

CHARLES J. M'DONALD.

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*Gov. Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, 17th May, 1825.*

SIR: I enclose this morning's paper, for the inspection of the President and yourself. Mr. Macon, I understand, is a respectable man, and a relation of Mr. Nathaniel Macon. Mr. Flournoy, whose affidavit is also enclosed, is an intelligent man, and a Baptist preacher. A volume of similar testimony can be obtained.

Although seventeen days have elapsed since the murder of M'Intosh and other Chiefs, not a word has been received at this Department from the Agent. Was this studied silence and reserve, amid the greatest distractions in the Nation, prescribed as a duty either by his commission or his instructions?

Very respectfully,

G. M. TROUP.

The Hon. SECRETARY OF WAR.

*Affidavit of Francis Flournoy.*

*Georgia, Baldwin County:*

Personally appeared before me, Harris Allen, one of the Justices of the Inferior Court for said county, Francis Flournoy, who, being duly sworn, deposeth and saith, that he was at General William M'Intosh's, in the Creek Nation, one of the Chiefs of said nation, on the morning of the 30th of April last, when, about day-break, a party of Indians, (with one white man among them, whom the Indians said was by the name of Hudman, as well as I recollect, and who said he was not sent by the Chiefs to murder, to burn, nor plunder, but to act as an Interpreter, and preserve the travellers, should there be any there,) con-

sisting from two to four hundred, who, so soon as they had closely surrounded the General's dwelling house, and fixed a guard round the house which I was in, set fire to the dwelling house, and immediately shot the General, who instantly fell, and was drawn out of the house, with considerable effect of the flames, and they continued firing at his corpse, until, I think, they had shot more than fifty balls into him. They then set fire also to the house in which this deponent and one other white man, and three chiefs, had stayed all night, and, finding Thomas (Etome) Tustunnuggee (a Cowetau Chief) within, they appeared much gratified, and shot him almost as often as they had done the General, and this deponent drew him out from the flames, and afterwards assisted two other white men to bury them both. This banditti were busily engaged, from the commencement of the horrid scene until a late hour of the morning, in plundering and destroying every thing valuable, as well the property of the white men who were present as the property of the General, tearing the frock off a young Indian female, and leaving several children stark naked; carrying off a great many negroes, horses, and cattle, (as they themselves told me,) and said they were ordered to destroy whatever they could not carry off; and I saw them shoot many hogs, which they left on the ground. The General's Cherokee wife went out to the camp of the hostiles to beg from them a suit of white to bury the General in, which was denied, as she said, and, on her return, she informed me that these Indians said they were ordered to do what they had done by those who ruled the nation since the Big Warrior's death, and that they were supported and encouraged by the Agent. I observed I did not believe that. She replied they would not tell a lie on the Agent, for they must know it would come to his ears, and they would have to answer for it. About 11 o'clock those murderers returned again, and, after ascertaining that a plain countenanced old man could understand some English, I observed to him, "Old gentleman, is this the way your people do? go to a man's house, and shoot him, and burn his house, and take away every thing he has, and carry it away, or are these bad men? What have they done?" He replied, he did not love to kill them, but the heads of the nation said so. I asked if Intockehunga and Thlocco Coscomico were the heads of the nation? He answered, no; the Little Prince and Hopothyoholo were their heads, now the Big Warrior was dead. I replied, these were the very two men that sent word to the Governor that those Chiefs should not be hurt. He answered that, at first, they did send that word to the Governor, and then it was so; but since that the Agent had altered it, and told the Council that the only way to get their land back, and keep it, was to kill all that had any hand in selling it, and burn and destroy all they had, which they could not carry away; and, after that, other Chiefs never would attempt to sell their land, for fear of being treated in the same way; and, when they had completed the above, as ordered by the Council, they would send word to the President that they had saved their land, and done took it back, and now he and the White People never should have it again.

The above article was confirmed by Col. Hawkins' widow, next

day, as coming from the party who murdered him, adding the name of Walker, former Sub-Agent, to that of Crowell.

FRANCIS FLOURNOY.

Sworn to, and subscribed, before me, this 16th day of May, 1825.

H. ALLEN, J. I. C.

*Letter from Chilly M'Intosh to the Secretary of War.*

WASHINGTON, 17th May, 1825.

SIR: A hostile party of Indians, instigated by some enemy of my father, General M'Intosh, on the 30th of April last, attacked his house, and murdered him, and another Chief of the Creek nation, Etomme Tustunnuggee.

This calamity has fallen upon the family of Gen. M'Intosh, from his being the steady friend of the United States, and of the civilization of his countrymen. His confidence in the American Government, his compliance with its wishes, and his support of its policy and measures for civilizing the Indians and improving their condition, gave to his enemies the pretences by which they have excited the hostile feelings to which he has fallen a sacrifice.

His family and friends look with confidence to the justice of the United States' Government for protection against further hostility, for a just revenge on the ringleaders in his murder, and for the punishment of those by whom it was instigated. We cannot believe that the Government will disappoint their just expectations. If the friends of the United States are not protected, it will be thought safest and most advantageous to be their enemy. This opinion the Government is too wise and too just to encourage.

The party which attacked my father's house killed his cattle, and, as far as they could, destroyed all his property. The United States' Government, which has received so much benefit from the faithful services of General M'Intosh, will not, I trust, refuse to indemnify his family for the destruction of their property, when the occasion of its being destroyed is remembered.

I beg the favor of you, Sir, to inform me how I shall proceed to obtain a remuneration for the pecuniary loss, which has accompanied a much more afflicting injury, an injury which can never be repaired, and will be very inadequately atoned for by the punishment of those who perpetrated or promoted this murderous outrage.

I am, Sir, with respect, your obedient servant,

CHILLY M'INTOSH.

The Hon. JAMES BARBOUR,

*Secretary of War.*



*Letter of Chilly McIntosh, and others, Chiefs of the Creek Nation.*

WASHINGTON, 17th May, 1825.

SIR : We have come to request our father, the President, to protect us against a hostile party of Indians, as was promised by the Commissioners at the treaty of the Indian Springs, when we ceded our lands to the United States.

The Commissioners gave us a good talk from our father the President. They told us that you were bound, by the compact of 1802, to procure our lands for the State of Georgia. We listened to the talk of our father, and did all he desired. We made a fair treaty for the sale of our lands, which publicly passed the Senate, and was ratified by our father the President. Since then, a hostile party has attacked the house of our father, General McIntosh, and killed him and Etomme Tustunnuggee.

The Commissioners told us that you would protect us against any attempt to injure us ; and also that you would send a garrison to Chatahoochie river to prevent any encroachment on our lands, before we remove West of the Mississippi. This never was done, and we did not ask for it, because it was not thought necessary. Now we need assistance, and claim a performance of your promises.

We ask to have revenge for our blood spilt by a hostile party of Indians ; and that the murder of our father General McIntosh, and of Etomme Tustunnuggee, may be investigated, and the ringleaders punished.

Without your assistance we cannot settle our disputes. We ask you to investigate them, and to aid in removing our difficulties.

We now look for your protection as it was promised by the Commissioners. Without it we cannot prepare to go West of the Mississippi. About one thousand troops will be necessary.

If our father, the President, does not protect his red children, we shall be oppressed, and many of us will be killed. We hope he will not deny us his protection, as promised by the Commissioners. We have trusted his promises, and think he will not deceive us.

CHILLY McINTOSH.

INTERLEFKEY McINTOSH, his x mark.

BEN DOULAZAU, his x mark.

JIM DOULAZAU, his x mark.

To the Hon. JAMES BARBOUR,

Secretary of War.

*Letter of Chilly McIntosh, and others, Chiefs of the Creek Nation.*

WASHINGTON, May 17th, 1825.

SIR : We beg leave to state that the authorized Agent of the United States for the Creek nation, Colonel John Crowell, is not trusted by us, and we do not think ourselves safe in his hands.

Colonel Crowell has always been opposed to General McIntosh, since 1823, when he tried to have him broke as a chief of the Creek nation, and threatened to destroy his property. He was offended at General McIntosh for refusing to give up a man named Stinson, without an order from the head Chiefs of the nation. Stinson was afterwards delivered into the Agent's custody, and was tried for selling goods in the nation without a license, of which he was acquitted by the Federal Court in Georgia. Colonel Crowell was further incensed against General McIntosh for interfering when Crowell drew a knife and threatened to cut the throat of a man called Cells, who had been adopted by the Creek nation.

Colonel Crowell was opposed to the treaty at the Indian Springs, and tried to prevent the Creeks from selling their lands to the United States. He sent William Hambly, United States' Interpreter, to the council to say that he wanted to see the Chiefs, but was jealous of the Commissioners. He told them that they should not give any long answer to the Commissioners, but only say "they had no lands to sell." That the Commissioners would threaten, but their threats would all end in words, as soon as they heard from the Government. Even after the treaty was freely agreed to, he did not cease his opposition. He sent a message by William Hambly, the interpreter, to tell some of the Indians, that they should go away across the line that night, or they would be taken and shut up until they signed the treaty. This party went off in the night, as they were told. The next morning three men were sent after them, to know why they had gone away. They told these men the message they had received from Colonel Crowell, which was the reason of their going. One of these messengers, Ben Doulazau, is now in Washington.

After Colonel Crowell returned from Washington, a council of the Nation was called. When the broken hour was out, Chilly M'Intosh, and several of the friends of Gen. M'Intosh, attended. They called on Col. Crowell for rations, which were refused to the friends of General M'Intosh, but were furnished by Colonel Crowell to all others. Within eight days after this Council, a hostile party attacked the house of General M'Intosh, and killed him and Etomme Tustunnuggee.

Colonel Hawkins and General Mitchell were equal and kind to all the Creek nation, and favored its civilization. Since Colonel Crowell has been Agent, he has been good only for his friends and favorites, and to effect his own purposes.

Now, Sir, we beg our father, the President, to send an Agent who will be a friend to all the nation, equally, and one in whose hands we can feel safe to go West of the Mississippi. If Colonel Crowell is continued as Agent, we fear that the friends of General M'Intosh will be sacrificed.

CHILLY M'INTOSH,  
INTERLEFKEY M'INTOSH, his x mark.  
BEN DOULAZAU, his x mark.  
JIM DOULAZAU, his x mark.

Hon. JAMES BARBOUR.  
*Secretary of War.*

*Letter of Chilly McIntosh, and others, to the Secretary of War.*

WASHINGTON, May 17th, 1825.

FATHER : We beg to know from you, whether Colonel Crowell received the money for the annuity for 1825, which was stipulated to be paid to the Creek nation, by the treaty of Mineral Springs, in 1820.

Colonel Crowell, at Broken Arrow, informed the Council, that he had made an arrangement with the Government of the United States, that every individual of the nation should receive an equal share of the money, which was to be paid under the late treaty. If he did make this arrangement, the party of us going to the Western country, will not get enough to pay our expenses. If Colonel Crowell did make this arrangement with you, not one would go to the Western country ; because, they would have no money to bear their expenses, on their removal, and none to pay for their improvements.

We beg leave, also, to know, if the United States will not pay our expenses here, on the business which has brought us to Washington. It is business in which the United States is concerned equally with the Creek nation.

We beg to be informed, to day, what will be done, by our Father, the President ; because we are to leave Washington to-morrow.

CHILLY MCINTOSH.

INTERLEFKEY MCINTOSH, his x mark.

BEN DOULAZAU, his x mark.

JIM DOULAZAU, his x mark.

The Hon. JAMES BARBOUR,  
*Secretary of War.*

*Letter from the Secretary of War to Governor Troup.*

DEPARTMENT OF WAR, May, 18th, 1825.

SIR : In answer to your several letters, received at this Department on the 15th and 17th instant, I am instructed by the President, to express his deep regret at the deaths of General McIntosh, and other Creek Chiefs, and the shocking circumstances with which they were attended. While your Excellency is understood to ascribe the cause of these events to the criminal conduct of the Agent, he, by despatches received some few days past, states to this Department, that your purpose of entering upon and surveying their Territory, as made known by your proclamation, had produced in the Chiefs who received it when assembled in General Council for the purpose of receiving their annuity, feelings of melancholy and great distress. Exceptions to your measures were then taken by them ; they declared their assent had never been given, and that it had not been asked. Those exceptions were communicated by the Agent, in the letter above referred to,

together with the request of the Chiefs, that the Government would interpose its authority, and put a stop to the contemplated survey. Whatever cause may have produced the disturbances and bloodshed which followed so soon, upon the breaking up of the Council, has now become a matter of very subordinate consideration, compared with the means necessary to be adopted, to prevent their repetition.

Remote from the theatre of action, with but little information, and that uncertain, (for we have not heard a word from the Agent,) as to the extent of the designs of the Indians, or the scale on which their operations will be conducted, the President has deemed it advisable, and has ordered, accordingly, General Gaines, distinguished alike for his military skill and discretion, now in Georgia, to repair forthwith to Milledgeville, for the purpose of consulting with your Excellency, on the measures proper to be adopted, in reference to the actual posture of affairs on his arrival. To him a discretion has been given, if, in his judgment, the occasion requires it, to call on you for such portions of the militia of Georgia, to be placed in the service of the United States, as he thinks necessary. To march, also, such portions of the regular force as may be convenient, to the scene of operations, and take command of the whole. By his instructions, he will be ordered to repel any hostile attempt that may be made by the Indians on the people of Georgia, and to chastise them by measures of retaliation for such attempt, till sufferings and submissiion shall entitle them to clemency. If their violence has been limited to their own tribe, the course to be pursued is not without its embarrassment. The Government of the United States, since its establishment, has, in no case, it is confidently believed, forcibly interposed in the intestine feuds of the Indians. They have limited their interference to good offices and friendly advice. To depart from this policy, strengthened by time, and the approbation of the American people, involves a high and delicate responsibility. On the other hand, to surrender the Indians friendly to the views of the United States, to the unrestrained ferocity of the hostile party, is too shocking to humanity to permit. Amid these opposing difficulties, the General is instructed to enter the Territory of the Creeks, and extend protection to the friendly party; but not to commence hostilities on the Indians, unless provoked thereto, by acts on their part which may justify such hostilities. A special messenger will be despatched to Milledgeville, on Friday, at farthest, with General Gaines' instructions.

The President not yet being informed of the measures adopted by your Excellency, cannot, at this time, take any step thereon. Your promised communication will relieve him from the difficulty, and, immediately on its arrival, will receive his prompt attention.

I am instructed to say to your Excellency, that the President expects, from what has passed, as well as from the now state of feeling among the Indians, that the prospect of surveying their Territory will be abandoned by Georgia, till it can be done consistently with the provisions of the treaty.

From the charges made by your Excellency, and the deputation here, Major Andrews possessing, from his high character, the full con-

fidence of the Executive, has been deputed to the agency to inquire into these charges, and to adopt the course, in reference to the Agent, which he may deem best calculated to promote the public service.

Major Andrews is the bearer of despatches to General Gaines, and, as he will pass through Milledgeville, if you have any facts calculated to criminate the Agent, an opportunity will be furnished your Excellency to communicate them.

I have, &c. &c.

JAMES BARBOUR.

His Excellency GEO. M. TROUP.  
*Governor of Georgia, Milledgeville.*

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*Secretary of War to General Gaines.*

DEPARTMENT OF WAR.

*May 18th, 1825.*

SIR : Intelligence has been received from the Governor of Georgia of very serious disturbances existing in the Creek tribe of Indians, attended with the murder of several of their Chiefs. This intestine feud is carried on by a party hostile, against one friendly, to the late treaty. The number of warriors of the former party is stated at 4,000, of the latter at 500. It is probable that the numbers are exaggerated; but the proportion may still be a just one, presenting a fearful superiority, which, united with the bloody acts already perpetrated, and the known ferocity of the Indians, threatens the entire destruction of the party friendly to the United States. In this alarming state of affairs they have addressed themselves to the President, soliciting his protection. It is stated, furthermore, that rumors are afloat of a design being entertained by the hostile Indians, of advancing on the frontier settlements of Georgia. Although it appears highly improbable that so rash a step should be adopted by them, yet, from the high excitement said to be prevailing among them, by which they are known frequently to be directed, rather than by suggestions of prudence, such a result is not impossible. The Governor of Georgia, acting on the possibility of its occurrence, has adopted measures of protection, and has appealed to the President, requesting him to take such steps as he may think the occasion requires. Remote as is the President from the theatre of operations, destitute of information necessary to his decision, as neither the nature of their designs, nor the scale of their operations is known, he has determined to avail himself of your services in that quarter; and an order has been issued, sent in various directions to meet you, requiring you to repair, with the least possible delay, to Milledgeville, there to meet your instructions, which are as follows: you will have an interview with the Governor, who has been advised of the order requiring you to repair to Milledgeville, and substantially of the nature of your instructions; from him you

will acquire all the information in his possession, and you will freely consult with him upon measures which you may mutually think necessary to be adopted in reference to the actual posture of affairs. If any hostilities shall have been committed, or there is reasonable ground to expect that any are meditated against the people of Georgia, you will call upon the Governor to place in the service of the United States such portions of the militia of that State as the exigency of the occasion may, in your judgment, make necessary. You are, also, authorized to call to your aid such portions of the regular troops, convenient to the scene of operations, *wherever stationed*, as you may deem proper, and take all necessary measures as to supplies, and, generally, the material of war, so as to give the utmost efficiency to your command.

Orders will have been given, through the Treasury Department, to the Bank of Savannah, to place \$ 100,000 in that Bank, subject to your drafts; and you are hereby authorized to make use of so much as the service may require.

If hostilities have been committed by the Creeks on the People of Georgia, you will instantly chastise them by pursuing them into their own Territory, if necessary. And you will pursue offensive operations till you have inflicted a just retaliation, or until, by their entire submission, they shall be entitled to clemency. If hostilities have not been commenced against the People of Georgia, but a reasonable ground of suspicion of hostile designs is found to exist, you will march into their territory, and be governed by your discretion as to the course to be pursued, so as effectually to prevent the consummation of their hostile designs. The safety of the People of Georgia will be a paramount obligation, which, when secured, will leave you at liberty to limit your offensive operations, so as to save the unnecessary effusion of blood. If the hostilities of the Indians have been confined to themselves, the course proper to be pursued is not without its embarrassment. The Government of the United States, since its establishment has, in no instance, it is confidently believed, interfered forcibly in the intestine feuds of the Indians. This policy, strengthened by time and the approbation of the nation, cannot be departed from, without involving a high and delicate responsibility. On the other hand, to surrender the Indians friendly to the policy of the United States, who have so many claims on our protection, to the unrestrained ferocity of the hostile party, is too shocking to humanity to permit. If, on your arrival at Milledgeville, you ascertain that the hostile party of Indians are still embodied, and that they are still perpetrating acts of violence against the friendly party, you will, with a suitable force, to be obtained in the manner previously pointed out, enter the territory of the Creeks, and extend protection to the oppressed; but you will not commit hostilities against the Indians, unless their conduct shall make it necessary. On the contrary, you will, if possible, restore harmony by your friendly advice, or prevent their violence by forewarning them of the displeasure of the President, and of the severe retaliation it will become your duty to inflict. To protect the friendly party from violence is the object of the President, in directing you to enter the

territory of the Creeks, not to retaliate what has been done. What, therefore, is necessary to fulfil the first object, you will perform, with whatever disastrous consequence to the assailing party it may be attended.

At the point at which that is accomplished, you will forbear ; and, finally, if, on your arrival at Milledgeville, such a state of pacification should be found to be restored, as to justify an opinion that the Indians will listen to your suggestions, you may then, without a resort to force, convene the Chiefs at the Agency, or at any place you choose, and submit to them the considerations that you may think best calculated to secure a continuance of peace ; and when satisfied that this will have been effected, you may consider the duty assigned you as fulfilled, and at liberty to resume your ordinary duties.

According to the provisions of the late treaty, 3 200,000 have been placed in the hands of the Commissioners to disburse among the Chiefs. If it has not been disbursed, it is possible that it may be an useful instrument in your hands in promoting the object of your conference, by representing to them, that any further violence, on their part, will operate a forfeiture of the share of the Chief who remains contumacious. I have caused a letter to be transmitted to the Commissioners to hold this money subject to your order. Governor Troup informs us that a considerable number of the Creeks have fled their country, from an apprehension that they might become the victims of their enemies, and must be reduced to great necessity ; humanity requires that their calamitous condition should be mitigated as far as practicable. You will cause rations to be distributed to them, and those that are disposed to return to their country, you will take under your protection.

The President, in assigning to you, General, these large discretionary powers, finds a guaranty to the fidelity of their execution in your known patriotism and prudence.

You will advise this Department regularly of the measures you pursue, and their results.

I have, &c. &c. &c.

JAMES BARBOUR.

Maj. Gen. E. P. GAINES,

*United States' Army. Milledgeville, Georgia.*

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*Instructions to Major T. P. Andrews, Special Agent, &c.*

DEPARTMENT OF WAR,

*May 19, 1825.*

SIR : The President has directed that a Special Messenger be sent with despatches to Major General Gaines. This Agency is conferred upon you. You will proceed forthwith to Milledgeville, in Georgia,

by the most direct route, and deliver the despatches to General Gaines in person. Should he not be in Milledgeville, you will proceed to the point at which he may be.

To you is confided, also, the very delicate and responsible trust of examining into, and reporting upon certain direct and specified charges, which have been made by Chilly McIntosh, and other Creeks; and others, of an implied character, by his Excellency, Governor Troup, against Colonel John Crowell, the Agent. The letters containing these charges, are herewith enclosed marked A, B, C.

Immediately on your arrival at Milledgeville, you will address a letter to Governor Troup, referring to his implied charges against the Agent, and inform him that you are appointed, specially to examine them. To enable you to execute this duty with effect, you will request him to state his charges and specifications against that officer; and accompany them with their evidence, or refer you to the source or sources, whence it may be derived. Having possessed yourself of them, you will proceed to the Creek Agency, and present copies of those charges to Colonel Crowell, the Agent, and hear and report his defence, both upon the charges which Governor Troup may make, and those which are specified by McIntosh and others. If, from the complexion of these charges, there shall appear to be sufficient foundation to justify the measure, you will suspend the Agent until the pleasure of the President be known. But as the excitements of the Indians are such as to require great caution in your proceedings, and as it is not impossible, but such a suspension might have an injurious effect upon them, and especially so, as it is believed Colonel Crowell has the confidence of the great body of those Indians, you will be careful, therefore, in any step you may take, in reference to Col. Crowell to be governed by an exclusive eye to the maintenance of the peace and tranquillity of the tribe. Should you deem it important to suspend the Agent, you will yourself receive the trust and turn it over to Mr. Triplet, the Subagent. In which event, the assembling of the Indians will be through him, but, otherwise, through the Agent, Col. Crowell. It is deemed, however, to be just, no less to the character of Colonel Crowell, than to the Government and all parties, that the charges which have been preferred against the Agent, be examined and reported upon. This, you will attend to, after the other objects are accomplished, and the quiet of the Indians restored. Should that quiet, however, be not realized, you will postpone altogether the examination of Colonel Crowell, for the present.

You will lose no time in executing this trust, and reporting upon it to this Department, whose further instructions you will wait for. You will keep a Journal of your proceedings, and accompany your report in the case of Colonel Crowell, with a detailed statement of the evidence which you may collect in the prosecution of the inquiry.

Your expenses will be advanced to you on an approved estimate of them, and your compensation settled on your return.

I have, &c. &c. &c.

JAMES BARBOUR.

To Major T. P. ANDREWS.



*Secretary of War to General Gaines.*

## DEPARTMENT OF WAR,

May 20, 1825.

SIR : Since the letter written you, on the 18th, despatches have been received from the Agent, Colonel Crowell, copies of which are herewith transmitted communicating a much more favorable state of things, than had been before received. The President has, upon this information, decided that the case has occurred, anticipated, and referred to, in the paragraph of your instructions, of such a state of quiet as might supersede the necessity of force, and enable you, by negotiation, to effect the object of the Executive. If, therefore, no events have subsequently happened, so as to have produced any of the contingencies, on which, by your orders of the 18th, you were authorized to resort to force, you will consider that paragraph, as pointing out the line of your duty.

Major Andrews, worthy of the highest confidence, who has been charged with a special mission to the Agency, will receive and cause to be executed any orders you may give him as to the convention of the chiefs of the Creek tribe. Should a convention of the Chiefs be obtained, you will endeavor to impress upon them the propriety of yielding their assent to the treaty. Among the inducements that you may offer, you may state to them, that the President has already suggested to Governor Troup, the necessity of his abstaining from his entering into and surveying of the ceded land, till the time prescribed by the treaty for their removal, and the immediate payment of \$200,000, on the same scale of distribution as heretofore adopted in the distribution of their annuity. If, however, you cannot succeed in this, you will cause the money to be deposited in the Bank of Savannah, subject to the order of this Department. The Indians should, in the event of refusing to receive the money, as the evidence of their acquiescence in the treaty, be duly impressed with the high displeasure of the President at their bloody proceedings, and of the consequences of his displeasure, should they be re-acted. That it is their bounden duty to remain quiet, and to avail themselves of the privilege granted them before their violence was known here, of sending a deputation of their head men, the ensuing Winter, to present their grievances to their Father, the President, who is disposed to grant them every indulgence consistently with his power, and the public interests. I have caused an order to issue to the commanding officer at Baton Rouge, to march the four companies under his command to the Agency. You will station them where you may think it best calculated to promote the object of the Executive as disclosed in your instructions.

I have, &amp;c. &amp;c. &amp;c.

JAMES BARBOUR.

Major General E. P. GAINES.

*Governor Troup to the Secretary of War.*

**EXECUTIVE DEPARTMENT,**

*Milledgeville, 25th May, 1825.*

**SIR :** I enclose for the information of the President, other papers connected with the late transactions in the Creek nation.

Respectfully,

**G. M. TROUP.**

**The Honorable the SECRETARY OF WAR.**

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*Chilly McIntosh, and others, to the Secretary of War.*

**WASHINGTON, May 17, 1825.**

[For this letter vide page 153.]

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*Benjamin Hawkins to Governor Troup.*

**CREEK NATION, April 10, 1825.**

**SIR :** I feel it my duty to state to you, that being at the Creek Agency since the late treaty at the Indian Springs, I was in conversation with the Agent, John Crowell, when he told me when I went home to tell the Chiefs of the upper towns, that if they listened to the talks of McIntosh, that he would sell them and their lands in less than a year, and told me I must say every thing I could against General McIntosh. Mr. Henry Crowell, in the presence and hearing of the Agent, told me that the United States' Commissioners offered him, just before the late treaty, ten thousand dollars and five miles square of land, if he would use his exertions to cause the nation to sell their land; but he said, that he answered the Commissioners by saying he would have nothing to do with it. He told me that if he had done as the Commissioners, it would not be doing justice to the Indians; but if he had done so, it would have been to his interest, as he would have got a great deal of money.

The Agent said, that me and my brother, Samuel Hawkins, ought to collect the Indians, when General McIntosh was gone to Washing-

ton, and burn down his houses and destroy his property, because of his disposition to sell the land.

I am, &c. &c. &c.

**BENJAMIN HAWKINS.**

To Governor TROUP.

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*Extract of a letter from Chilly McIntosh, and other Creek Chiefs who recently visited the City of Washington, to the Secretary of War, dated*

WASHINGTON, May, 17, 1825.

[Vide page 155 for this communication—two first paragraphs.]

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*Colonel Crowell to Colonel Wm. Hambley.*

CREEK AGENCY, August 22, 1825.

SIR: I received your letter by Kitch, giving an account of the conduct of McIntosh, in relation to Stinson.

I should be glad if my business would admit of my going to Chatahoochie at present, but I am engaged making out my accounts for the year ending the 31st of this month, and cannot leave home until after that time.

I wish you to state in plain and positive terms to the Prince, that I call upon him as the head man of this nation, to have Stinson taken and brought to me, at all hazards; if six men is not enough, send six hundred, and take him by force, if he has to destroy McIntosh and his whole establishment to effect it. Tell him it will reflect disgrace on him as the head man of the nation, to suffer one chief to prevent his orders from being put into execution: and this conduct of McIntosh is quite sufficient to break him as a chief. If, however, he does suffer McIntosh to protect this man in violating the laws of the United States, his nation must suffer for it: for he may rest assured that the Government will not put up with it; and is it possible that he will allow the conduct of one man to do so serious an injury to his innocent people?

If, however, he will not have this man taken, I shall adopt such steps as will ensure his arrest, and pay the expenses of it out of the annuity, even should it take the whole of it. I can get men from Georgia that will take him, by paying enough for it, and rather than not have him. I will pay every dollar of the annuity for him. I shall inform the Government of McIntosh's conduct; and the President will, no doubt, hold the nation accountable for it. I wish you to im-

press upon the mind of the Prince the difficulty which this transaction will place the Nation in, should this man be protected by an Indian. This Nation, since the war, has acquired a good character for their good behavior, with the President, and I should dislike for them to lose or tarnish it by protecting a white man, in violating the laws of the United States.

The receipt which I took for the annuity, and the one from Colonel Lovett, for beef, has been miscarried. I enclose another, which you will get signed, and return to me, after getting the names of those about Fort Mitchell; send it by mail to Captain Walker, to be signed by the Warrior, &c.

JNO. CROWELL.

Colonel WILLIAM HAMBLY,  
*Chatahoochie.*

NEWNAN, 18th May, 1825.

DEAR FRIEND: We enclose you a communication for your perusal. We wish it published in the first papers, without you may consider it wrong. There are a number of false statements in the paper, and we have caused this meeting to make true statements, and have it published. We want you to write us by the man who will deliver this to you, whether you will publish it or not. We have appointed ten Chiefs, who will meet our friend Chilly McIntosh in Milledgeville. We want you to make use of your endeavors to have our white friends paid, agreeable to your order, for provision furnished us while we are in your country, out of such moneys as are coming from our lands.

|                   |   |                       |             |
|-------------------|---|-----------------------|-------------|
| <i>Committee,</i> | { | ROLLEY MCINTOSH,      | his x mark. |
|                   |   | CHARLES MILLER,       | his x mark. |
|                   |   | FOURSATECHEE EMARLOW, | his x mark. |
|                   |   | Capt. SAML. MILLER,   | his x mark. |
|                   |   | DICKEY,               | his x mark. |
|                   |   | Col. WM. MILLER,      | his x mark. |

At a general meeting of the Indians friendly to General McIntosh, and who feel themselves aggrieved of the injuries done by the Indians inimical to the late treaty held at the Indian Springs, the following address was unanimously agreed to, and for the same to be published in the Georgia Messenger, and one of the Milledgeville papers.

## PIKE COUNTY, FLINT RIVER,

17th May, 1825.

We have discovered, in the Georgia Messenger, of Macon, of the 11th instant, a letter signed by our agent, Capt. Crowell, that the party of Indians friendly to General McIntosh, had threatened his life, and also the life of Little Prince, who is our principal chief at this time. We acknowledge ourselves General McIntosh's friends and party, and if any threats of this kind had been made, it has not come within our knowledge: therefore we believe it to be a lie. We also see in the same paper, information derived from the agency, that the killing of McIntosh, Tome Tustennuggee, and the two Hawkins, was not intended as hostilities against the whites—that it was only a fulfilment of their own laws; and a law which General McIntosh himself had signed and declared in the square at Broken Arrow, during the late treaty at that place, (this law was) that if any Indian chief should sign a treaty of any lands to the whites, that he should certainly suffer death. This statement is positively false; and it is only made use of as a pretext for the cruel murders which have been committed.

For the correctness of our denial to that statement, we will appeal to the United States' Commissioners, Col. Campbell and Major Merriwether, and many others of our white friends, who were present during the treaty. And we further appeal to our agent, who, we believe, will do us that justice as to give the lie to any such report. It certainly would have been very inconsistent for General McIntosh, or any of us, to have signed the treaty at the Mineral Springs, had such a law as that come within our knowledge; and it is very droll, too, that such a law as that should exist, and that the national clerk and none of us should have any knowledge of it. We have been in the habit of meeting all councils that concerns the nation, as much so as any other chiefs of the nation, and if such a law had been made, we should have known it.

We understand that there was a decree of that kind passed, by the Big Warrior and his friends, at a place called the Pole Cat Springs, which is about fifty miles West of Broken Arrow. Broken Arrow is the capital of the nation, where all business of a public nature is transacted: therefore, as that meeting was one which was not ordered at the capital, and not a general one, it could only subject those who were present. It is right for us to state, that our friend Tome Tustennuggee was present, and signed the decree; but we have often heard him say, that he did not know the contents when he made his mark, or he should not have done so. And, as for General McIntosh's ever signing or sanctioning any such a law, we declare it to be false: for when he was told of it, he remonstrated severely against it, and declared that they were unauthorized to pass any such a law; and that such a thing could not be a law: for it was impossible for Tuckabatchee, and one or two other towns, to meet and pass a law for

the destruction of him or any other chief who was not present, and particularly at a place where the national council should not have convened. When this meeting was ordered, there was no doubt in our minds that it was not intended for General McIntosh or any of us to have know it, and it was ordered in consequence of the Cherokees sending the Big Warrior and his friends word that they must be mindful of General McIntosh, or he would sell all their lands from them. The Little Prince, who stood as fair as any other chief in the nation, could not have had any knowledge of the law, or at least he had no idea that such a law would be enforced: for the appointment which he then and now holds, requires more honor and truth than to have written the following letter to one of our chiefs, and one who signed the treaty. Col. Chilly McIntosh, who was amongst his white friends, in consequence of the severe threats which had been made against all who signed the treaty at the Mineral Springs:

*"March 4, 1825.—My friend: I am very sorry to hear of so much fuss amongst my People; I wish to have peace amongst both my white and red brethren. I hope you will take my talk and come home, and not be uneasy: for, if any one had threatened your life, I would certainly have heard it. There is some that will talk foolish when drunk. I consider you my son, and if I had heard any such talk, I would let you know it. I wish you, and all of you, to come home and live as brothers and friends, and trust our great father for our protector and friend. I have heard of your negroes, and have given orders for them to be fetched home as soon as possible; this may assure you that I love you—that I love you as a son, and wish you home to your family; they are all well at present.*

**LITTLE PRINCE, or TUSTENNUGGEE HOPIE,**  
his x mark."

**JOHN OWENS.**  
**LEMUEL B. NICHOLS,** } Witnesses.

Although it is seen plainly that the Little Prince has and did pledge himself, as our father, that no hostilities were intended, and property should be restored, he has, (although ~~by~~ pledging himself,) from good authority, ordered and decreed that our principal chiefs amongst us should be murdered, (and that in a cruel manner,) and our property all destroyed. Such treatment as this is not usual from the father to his children; at least it authorizes us not to acknowledge him as our father, and shall receive no more of his talks. We have received many other talks from him to the same amount—and that we were alarmed for nothing; and all the fuss which had been made, was in consequence of an affray which had taken place with a few drunken Indians, which acted foolish; that we should not be hurt or interrupted. Peace was what he wanted, and nothing but harmony should exist; for us to come home to our families and plant our corn. Now, like hogs and sheep tolling to the slaughter pen, we immediate-

ly repaired to our wives and children : and, sure enough, what was the consequence ? only a few days' rest, when we were awaked from our sleep with the cries of murder ! McIntosh is killed, and how many more we don't know. Get up and clear yourselves : for death is your portion ; the woods are full of Indians ; all will be killed who signed the treaty. This was very unexpected news to us, and we had a right not to expect it ; particularly from talks had at Broken Arrow to the Governor's Aid, by the Little Prince and the Big Warrior's chiefs, declaring that we were in no danger, and all statements to the contrary were lies ; that they wanted peace, and nothing else was intended. Of course we expected nothing else ; but we had to fly for refuge to our white neighbors, where we have been kindly received and treated, as our situation requires. Every pledge has been forfeited by our father the Little Prince, and his friends ; therefore, it is impossible for us to have any confidence in what he or any of his friends may hereafter talk.

We have lately received a talk from the Deputy Agent, Captain Triplett. We are sorry his talk is so one-sided ; declares, in the first place, that we must go home and tend our farms ; that we shall not be hurt. This talk was made in the presence of white men, to Benjamin Marshall, who is one of our chiefs : murdering should cease ; that McIntosh, Tustunnuggee, and the two Hawkins, was killed in compliance with the laws of the nation : if there was a law for them to be understood, that law yet exists ; and admitting we should take this talk and go home, we should receive the same fate, for we are guilty of the same breach, and should, of course, receive the same punishment. He further declares, that the Indians were cheated out of their land ; that we were all fooled by the United States' Commissioners, for they had no lands West of the Mississippi, without they would hereafter buy it from the Indians who now reside there ; that they, meaning the United States' Commissioners, had got our lands, and they did not care what became of us, and we would not get any assistance from the whites. Our chief, Benjamin Marshall, asked the Captain, if this murder was a fulfilment of the laws of the nation, why did their Council, at Broken Arrow, declare to the Governor's aid, Col. Lamar, that there was no hostilities intended, and that they would protect McIntosh, for they had fought by his side, and liked him ? His reply was, that the Governor's aid had made that talk himself, and had went home with a lie in his mouth, to the Governor. We must believe, from the talks we received ourselves, that the Governor's aid has spoken nothing but the truth. After the Captain found that we were not satisfied, he observed to a white man, that the tree was only topped, and if we were not satisfied with it, the limbs would be taken off. It is impossible for us to be satisfied, when the Captain himself has declared, in his talk to us, that the Little Prince has never denied, since the death of McIntosh and others, but what he had ordered it ; and he would acknowledge it, for it was perfectly right. If we are to be governed by this talk, we are in a dreadful situation ; without homes or friends,

or even without means of subsistence; driven from our farms, and robbed of our property, and, also, the moneys arising from our lands taken and given to our enemies: we have too much confidence in our father, the President, to believe any such talks; he has never deceived us yet; we have his promise in and through the United States' Commissioners, and shall hold it sacred until we find out to the contrary. Our little father, the Governor of Georgia, has given us a talk, of which we shall strictly obey until he may talk again. We cannot help mentioning that we are fed by several white friends, who, we hope, will be remunerated at the Mineral Springs, when moneys shall be received for our lands. Nothing but justice is demanded, and nothing else will be expected; and we hope that our Great Father, who is above us all, will cause us to obtain it.

We are now stationed in Newnan, in Pike county, and shall remain until our rulers shall order otherwise. We hope this, our communication, will be published in the newspapers for the satisfaction of the world.

Signed by us, in Council, this day.

Joseph Marshall.

Rolly McIntosh, his x mark.

Col. Wm. Miller, his x mark.

Arpelka Tustunnugge, of Broken Arrow, his x mark.

Oithlepayow Tustunnuggee, his x mark.

James Island, his x mark.

Benjamin Marshall,

Conape Marlo, his x mark.

Charles Miller, his x mark.

Hoghy McIntosh, (brother to Gen. McIntosh,) his x mark.

Dickey, Interpreter to Cherokees for the Creeks.

Tomsatchee Emarlo, his x mark.

John Carr, his x mark.

Ozulkee Marlo, his x mark.

Espoko Emarlo, his x mark.

Capt. Samuel Miller, his x mark.

Andrew Lovett, his x mark.

Opilhee Hadgo, his x mark.

Julsy Haije, his x mark.

Tucktatuslee Emarlo, his x mark.

Tucktatuslee Chopko, his x mark.

John Harrard, his x mark.

Nokouysee Tustunnuggee, his x mark.

Warcoochee Emarlo, his x mark.



*General Gaines to the Secretary of War.*

**HEAD QUARTERS, EASTERN DEPARTMENT,**

*St. Augustine, May 31, 1825.*

SIR : From the newspapers, and from several intelligent Georgians, with whom I have recently conversed, I find that the murder of General McIntosh, the principal War Chief of the Creek nation, has produced a considerable sensation among the frontier inhabitants of Georgia ; which, added to the strong desire hitherto manifested by many of our citizens in that quarter, to free themselves of their red neighbors, may possibly lead to open hostilities between them.

To correct this evil, I have just now addressed to the General in Chief, a suggestion that instructions might be given to Colonel Clinch, of the 4th Infantry, to take a suitable position, with a few companies of his regiment, at Tookaubatchie, that being the principal town within the immediate jurisdiction of the Big Warrior, (the most able, influential, and honest chief of the nation,) and there to assemble the chiefs, of all parties, and require of them a pledge to keep the peace.

From the long acquaintance I have had with Colonel Clinch, in the course of which he has given proofs of a thorough knowledge of the true character of those Indians, with a talent to win their confidence, and control them, I think it my duty to recommend him particularly for the proposed service.

It will be recollected that most of the Indians opposed to McIntosh's party, and to the late treaty, reside within the territorial limits of Alabama, and, consequently, within the Western Department.

I have this morning had a conversation with a party of Seminole Indians, headed by two Chiefs ; I have admonished them to guard against mischief makers that may come among them, either from the Creek nation, or elsewhere ; and, as they value their lives, to restrain their bad warriors, and respect our frontier people, some of whom profess to be alarmed : the chiefs promised to recollect, and comply with my admonition.

I have directed the commanding officer at this place to co-operate with the Territorial authorities in giving protection to the frontier settlers, and to hold a company of Artillery in readiness, for this purpose. I have advised Governor Duval and Colonel Clinch, and shall advise Colonel Brook, of this measure. My knowledge of these officers warrant me in saying, that they will be prompt and judicious in the adoption of whatever measures may be necessary to check any hostile movement near them, or within the reach of their means, and to restore harmony among the Indians.

I can perceive but little ground for the apprehension entertained by some of the inhabitants, that an immediate Indian war is at all

probable ; unless, indeed, some evil disposed white man should attack, or otherwise endeavor to involve those ill fated people in another war with us ; as I am assured that the principal chiefs of both the contending parties, have repeatedly avowed their determination not to molest the whites. Precautionary measures, nevertheless, are always proper, in reference to Indians, and often tend effectually to obviate the evils of war, that might otherwise occur, under circumstances of great excitement, like that which at present exists in the Creek nation.

I have advised the General in Chief, by mail, of my measures ; and shall send this by Lieut. Despinville, who goes on furlough, by water, to New York, in the hope that it may find you there, or at West Point, sooner than if it were sent by mail.

I shall repair to Milledgeville, as directed by a letter from the Adjutant General, received this day, as soon as it is practicable. Adverse winds, however, prevent my leaving this place, at present, by water, and I learn it is but seldom practicable to obtain, here, any kind of land transportation.

With perfect respect, &c. &c.

EDMUND P. GAINES,

*Major Gen. by Brev. comm'g.*

To the Hon. JAMES BARBOUR, *Secretary of War.*

*Major T. P. Andrews to the Secretary of War.*

MILLEDGEVILLE, GEORGIA, June 2, 1825.

SIR : I have the honor to report that I received your letter of instructions of the 20th ultimo, and left Washington on the same day. I reached this place, with the mail, on the 31st of the same month.

Immediately on my arrival at Milledgeville, I addressed a letter to the Governor of Georgia, a copy of which you have enclosed, marked A. I received last evening, the enclosed letter marked B, in answer from the Governor. The documents and evidence referred to in the latter part of the Governor's letter, I am told, will be handed to me in a few days. So soon as they shall have been received, I will, should the evidence on examination be of a serious character, suspend the Agent until the further pleasure of the President be expressed, unless I find, in the mean time, it would have an injurious effect on the interests of the Government with the Indians. Should I find that the suspension of the Agent would have an injurious effect on the tranquillity of the Indians, as referred to in my instructions, I will address a respectful letter to the Governor of Georgia, assigning my reasons for deferring the suspension of the Agent until further instructions are received.

I considered it necessary to state, explicitly, to the Governor, the objects of the Government in sending on an Agent, and the extent of power with which he was vested, in consequence of excitements existing, particularly in the Legislature of the State now in session. I thought it advisable that the authorities here, should be made acquainted with the determination of the General Government to lose no time in investigating the causes, &c. of the late unhappy disturbances among the Creek Indians. It was hoped that such a knowledge might, measurably, do away the excitements referred to, and it is still to be hoped, that, so soon as the Governor communicates with the Legislature, in relation to your despatches, they will have the happy effects which you no doubt expected. This it is believed he will do, "so soon as he has conferred with General Gaines."

At Fayetteville, N. C. and Augusta, Geo. I sent copies of the General Order directing Gen. Gaines to repair to this place, in such a way as to ensure his immediate receipt of one of them at either St. Augustine, Charleston, or Savannah. He must, therefore, be here as soon at least as it would be possible for me to find him, were I to return to Augusta, and then perform a journey of six or eight days in search of him. He is expected daily. I have, therefore, concluded to remain, and attend to the other objects claiming my attention—my immediate attention to them being required by the 3d paragraph of my instructions.

Although I have already collected a great amount of information, chiefly orally, in relation to the affairs of my mission, all of which, if found to be correct, shall be in due time communicated; yet I do not feel justified (having had no time for its thorough examination) to communicate details to the Government. The affairs of Georgia, in which the General Government is concerned, are, unfortunately, at this time, connected with matters of a local and temporary nature, in which the General Government has no interests to feel, or duties to perform, and which it would be improper, as their Agent, to allude to in a particular manner. It is not difficult to trace the excitements in this quarter to their origin and first cause; but greatly so to ascertain the real circumstances which have taken place, and to point out their consequences or remedies. The Government is, no doubt, aware of the existence of a law, renewed from time to time, in this State, (peculiar to it,) by which all territory acquired by the State is disposed of by lottery. Each male person, of age, having from one to three or four tickets or chances for drawing tracts of land in it. This Agrarian law is the first cause of all the anxiety on the part of the authorities of Georgia, to acquire possession of the Indian lands within their limits: for, most, if not all, public men in Georgia, seek to recommend themselves to their fellow citizens by a display of zeal in procuring lands to be thus disposed of among the people. It is to be feared this anxiety has recently been so great, that it has produced, for a time, an opposite policy towards the Indians, on the part of the authorities of the State, from that of the General Government; which latter policy has uniformly been characterized by justice and humanity.

I have been engaged making arrangements through Col. Crowell, (who is here,) on the one side, and Chilly McIntosh on the other, to prevent the occurrence of any act of revenge or hostility between the two parties, until the arrival of Gen. Gaines, and until the President shall have time to act definitively. The number of McIntosh's party, compared to that opposed to it, is so inconsiderable, that I should not apprehend any acts of violence, the other party being perfectly quiet, were it not for the assurances of assistance and revenge which have been freely given to the party of McIntosh, by the authorities of Georgia.

Before receiving a letter, this day received, from Col. McKenney, of your Department, I had requested the Agent to convene a general meeting of the chiefs of the nation, at their usual central place of meeting, to take place on the 14th instant, which was the shortest possible day of obtaining a *general* meeting. I am now informed, (as I presume by your authority,) that it is intended General Gaines should assemble the Indians, and make known to them the views of the Government. This arrangement is one which I could not have understood from my letter of instructions, and not having seen the instructions to the General; but which, by relieving me from a large share of my anxiety, gives me great pleasure. Should the meeting, as already notified, be too soon for General Gaines, he can postpone it at his pleasure. But he could not obtain, if present, a *general* meeting at an earlier period.

In the absence of the better judgment of General Gaines, I would urgently suggest the propriety of continuing the present arrangement of concentrating a force of United States' troops near the Creek nation. The present state of the Creek Indians *towards each other*, is a very delicate one indeed; as it regards the white population, in or out of the Indian Territory, they have nothing to fear from either party. Indeed they never have had the slightest injury to apprehend for a moment. But, should the least violence on the part of a single intoxicated Indian of the nation, or on the part of a designing one of McIntosh's party, be committed. I am fearful it would be called an act of war by the Creeks; and, if no force of the United States were present, that it would be followed by an immediate call on a large militia force, which would march into, and, perhaps, exterminate all those in the nation. They amount to at least eight or nine-tenths of the Creek Indians, and to at least 20,000 souls. Nothing but the strongest sense of duty could induce me to commit such an impression to paper. But, I repeat, if the United States' troops, now under orders, are recalled from this quarter, it will not be long before a large militia force would be called out and marched against the Indians. Pretexts would not be wanting; and it is to be feared, at this time, that a disposition (if not an intention) exists on the part of McIntosh's party to bring on a war with the other party, in the expectation of assistance, if not from the United States, from Georgia. Should a militia army be marched into the Indian territory, there is reason to apprehend that "humanity" would not be inscribed on its banners.

Colonel Crowell informs me he has made you acquainted with the views of the Creeks opposed to the McIntosh party. It would appear, from their statements, that the treaty was made by a small number of real "chiefs" and "head men," (the balance of the signers being unimportant and unauthorized persons,) and by a very small part of the nation. The strength of the party which has seceded from the Indian limits and retired into Georgia, is so small, compared to the opposite party, that the statement would appear to be correct; but I presume, as the treaty is now made and ratified, that the Government would not wish to inquire into the circumstances attending its formation. Although the Indians contend that their lands is taken from them by an act of fraud on the part of a few of their own people, yet they do not entertain the most remote intention of resisting the United States' authorities in taking possession of it. Colonel Crowell informs me that they say, "if the President contends a treaty has been made, by which all their lands are ceded to Georgia, they will offer no resistance to taking possession of it, but will go out of their houses and lay down and die near them." They are fully sensible of their weakness, and would offer no resistance even to Georgia. They decline, at present, receiving any part of the money to be paid under the treaty.

I have ventured, thus early, to forward the foregoing observations, some of which, when time and better light has enabled me to weigh them well, may be found inaccurate. As I obtain data, I will, from time to time, do myself the honor to keep you informed of all matters connected with my visit to this country.

I shall leave this for the Indian nation immediately after seeing General Gaines, and after having received the promised documents, &c. from the Governor of Georgia.

I cannot find that a single reason or necessity exists why the Indian lands should be surveyed before the time appointed for giving possession (September, 1826,) shall have expired. But the authorities of this State appear to me have acted so precipitately, and have committed themselves so far, and now shew so much temper on the subject, that I doubt if they forego their intentions. The Indians have been harshly dealt with in the manner of procuring the treaty, and every principle of good faith and humanity calls for forbearance, until the expiration of the time fixed by that treaty.

I have the honor to be, Sir,

With the highest respect,

Your most obedient servant,

T. P. ANDREWS.

*Special Agent.*

To the Hon. JAMES BARBOUR,  
Secretary of War,  
Washington.

Enclosure A, in Major Andrews' letter to the Secretary of War.

*Major T. P. Andrews to Governor Troup.*

MILLEDGEVILLE, GEORGIA, May 31, 1825.

SIR : I have the honor to send you, herewith, despatches from the Secretary of War for your Excellency, received by me, on the 28th instant, at Washington.

I presume you will be informed by the despatches, now handed to you, that I have been appointed by the President of the United States to examine into certain implied charges against Col. Crowell, the Indian Agent, contained in your Excellency's letter to the President of the — inst. as well as others of a direct and specific character, made by Chilly McIntosh, and other Chiefs of the Creek Indians, at Washington. To enable me to perform this delicate and responsible trust with effect, I have the honor to request that you will be pleased to furnish me with any charges and specifications which you may have to make against the officer referred to ; accompanied by any evidence in your Excellency's possession, relating thereto, or references to the sources whence such evidence may be derived.

Having also instructions to lose no time in an effort to restore the Creek Indians to a state of tranquillity, the President having, in the mean time, as your Excellency has been informed, taken prompt and energetic measures to provide against every event or emergency. and, knowing the great anxiety of the President of the United States and of the Secretary of War, to consult the wishes of the People of Georgia and of your Excellency, in relation to the unfortunate disturbances in the Creek nation, I have the honor to request, also, that you will be pleased to favor me with any information or suggestions which may enable me to fulfil, if possible, this object of my visit ; assuring you, at the same time, that they shall receive all that respect and attention to which, coming from so high a source, they will be so justly entitled.

Should your charges against the Agent (or any information which you may be pleased to possess me of) demand it, I have to inform you that I shall exercise a discretionary power vested in me, unless the excitement among the Indians forbid a resort to it, by suspending the Indian Agent from all his functions, until the further pleasure of the President be expressed. It will, however, be evident to your Excellency, that I should not stand justified in pursuing so decided a course, on light ground. towards a gentleman who has heretofore enjoyed the full confidence of the Government. The known high sense of justice of your Excellency will be satisfied, too, should such a resort appear necessary. it would be due to Col. Crowell to place him in immediate possession of the charges made against him,

that he may be enabled to defend himself before his Government with as little delay as possible.

With the highest respect,  
I have the honor to be,  
Your Excellency's  
Most obedient servant,  
**T. P. ANDREWS.**  
*Special Agent.*

To His Excellency, **GEORGE M. TROUP,**  
*Governor of the State of Georgia, Milledgeville.*

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Enclosure B, in Major Andrews' letter to the Secretary of War

*Governor Troup to Major T. P. Andrews.*

**EXECUTIVE DEPARTMENT,**

*Milledgeville, 31st May, 1825.*

**SIR :** Immediately on receipt of your communication of this date, I proceed, in compliance with the wishes of the General Government, to charge the Agent superintending the affairs of the Creek Indians, with, first, a pre-determined resolution to prevent the Indians, by all the means in his power, from making any cession of their lands in favor of the Georgians ; and this from the most unworthy and most unjustifiable of motives.

2dly. With advising and instigating, in chief, the death of McIntosh and his friends.

You are referred to the documents connected with my late message to the Legislature, and to the testimony disclosed, and to be disclosed, before the committee charged with the investigation of the subject to which they relate, and which are submitted to you.

Respectfully, your obedient servant.

**G. M. TROUP.**

**Major T. P. ANDREWS,**  
*Special Agent U. States, Milledgeville.*

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*Governor Troup to the Secretary of War.*

**EXECUTIVE DEPARTMENT,**

*Milledgeville, 3d June, 1825.*

**SIR :** I have received, by Major Andrews, your letter of the 18th instant. The dispositions manifested by your Government to do right in all matters connected with the subject of my late communication, are only in accordance with my just expectations. I am happy that, in the general, the measures deemed best, appear to be

appropriate and judicious. Pardon me for making an exception. In searching the archives of your office, you will find, at divers times, and on various occasions, representations made of the conduct of the Agent, all or any of which should have disqualified him as a competent witness against the Government of the State of Georgia. On the recent one, of the ratification of the Treaty of the Indian Springs, yourselves pronounced upon that incompetency in terms not to be mistaken. The Agent protested against the Treaty. The President submitted it to the Senate, and the Senate ratified it, in contempt of that protestation. If a single declaration of the Agent had been accredited, the President would not have submitted it; the Senate would not have ratified it. The last of your prominent acts, therefore, in relation to this individual, place him in an attitude before yourselves, which should have decided you to listen with great caution and reserve to any suggestions of his, connected with any subject whatsoever. Whilst, on the one hand, he presents himself before you as an accuser of the Chief of the Government of Georgia, and the accusation is neither more nor less than the measures taken, on his part, have been the only exciting causes to the mischiefs and crimes perpetrated in the nation, and you, on the other hand, so far sustained him in this position, as not only to receive it willingly and to specify it distinctly, but to make it the basis of a most erroneous construction of the treaty, and, in consequence of that construction, to address to me a most extraordinary request of the President, affecting important interests here. I must pray you to excuse me when I say to you, in answer, that I do not feel myself treated in a very kindly, or very generous spirit. and that, if treated in the most kindly and most generous spirit, such an expectation would be pronounced at once as unreasonable on your part, and certainly not to be fulfilled on ours. Is it possible that the President could have consulted the Indian Treaty, and compared its provisions with those of the articles of agreement and cession, and, at the same time, have indulged this expectation? Without troubling you with the argument, permit me to state the fact. By the Treaty of the Indian Springs, the Indian claims are extinguished forever. The article is worded in the present tense. On the instant of the ratification, the title and jurisdiction became absolute in Georgia, without any manner of exception or qualification, save the single one, which, by the — article, gives to the United States the power to protect the Indians in their persons and effects, against assaults upon either by whites or Indians. For this purpose, your powers are quite ample, and, in proceeding to the survey of the country, you will only find aids and guaranties on the part of this Government, for the faithful execution of the article; beyond this you cannot pass: soil and jurisdiction go together, and if we have not the right of both at this moment, we can never have either by better title. If the absolute property, and the absolute jurisdiction, have not passed to us, when are they to come? Will you make a formal concession of the latter? When and how? If the jurisdiction be separated from the property, show the reservation which separates it; tis impossible. You have the same remnant of it in this



case, as you have, by constitution and treaty, in all similar cases where treaties having guarantied the rights and privileges of aliens, those rights and privileges find their protection under the supreme law of the United States within the jurisdiction of the several States. If the President believes that we will postpone the survey of the country to gratify the Agent and the hostile Indians, he deceives himself. To these poor deluded men who have been hostile in peace and hostile in war, and the opponents of the treaty, Georgia could make no appeal. From McIntosh and his friends, who made the treaty, we sought permission to make the survey, and obtained it. Scrupulously regardful of the stipulation of the treaty, we asked them, in substance, if the survey would, in any manner, interfere with their convenience or security; and they answered, no: a ready answer, because the survey would, in fact, contribute importantly to both.

The frequent recurrence to the conduct of the Agent, may induce a belief that the influencing motives here are impure, or tainted with prejudice. It is not so. As an individual, no angry feelings have been indulged towards him, or any harm desired. As a public officer, the most indignant sentiments have been awakened from the beginning; because, as soon as I entered upon the duties of this office, it was known to me that he had come to the resolution to prevent the Indians from ceding any lands to Georgia, so long as I continued in it: a resolution so ungenerous, and unworthy of an officer in any station, that I determined to employ all honorable means to effect his removal, as absolutely necessary to the prosperity of the State. You ought to have removed him long ago, and thus have spared us all the evils which have followed your omission.

Be pleased to present my respectful compliments to the President, and assure him of my good wishes and regard. The frankness with which it is my duty to communicate with him, can have no tendency to weaken them on my part, or to excite distrust of their sincerity on his. Even upon the subject of intensest interest to us, upon which the opinions of the President are known, many allowances are made for the immeasurable distance which separates us. In treating it, I have used strong language; but he will not, on this account, believe that I make light of the Union. I would offer up my life, with pleasure, to sustain it for a single day. The fearful consequences constantly in sight, keep us in a state of agitation and alarm. I strive to stave them off, and it is for this that language is employed sickening to my heart, and most offensive to a vast portion of the common family. Who can help it, when they see wise men engaged in a playfulness and pass-time like this, indulging their whims and oddities, and phantasies, and causing this Union to tremble upon a bauble?

With regard to the expenses attendant on our measures of defence, of which you are instructed to say nothing until those measures are submitted to you in detail, I have to congratulate you and myself, that they will be so inconsiderable in amount, as not to cause much trouble or anxiety to either of us. Whilst I took the precautionary measures to make safe the women and children upon the frontiers, I remembered very well, that we had been pleading at your Treasury

for thirty years, for similar expenses, incurred in defending ourselves against the same Indians. I feel much more anxiety about the expenses which may be incurred by the friendly ones, who have sought refuge within our settlements, which they are quite willing to defray from their own scanty means, but which justice and humanity require you to defray for them.

With great consideration and regard,

G. M. TROUP.

The Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

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*Major Andrews to the Secretary of War.*

MILLEDGEVILLE, GEORGIA, June 7, 1825.

SIR: The newspapers of Milledgeville, of this date, which are enclosed, you will perceive contain letters from the lower part of the State, (Early and Dooly counties,) from which it would appear, that Indian depredations are apprehended in that quarter. It is to prevent those publications from having too much weight, that I now address you.

I have conversed with a gentleman (Mr. Caldwell,) from Fort Gaines, the immediate neighborhood of those alarms, who has just arrived at Milledgeville. It is his opinion, that the apprehensions expressed through Capt. Howard and Major Richardson, are created by idle fears or rumors altogether. He has just passed through the Indian settlements in that quarter, and found them not only peaceable, but unusually attentive to white persons, in order that any impression of their unfriendliness towards the whites, created by their late internal dissensions and violence, may be dissipated. Mr. C. returns home through the same counties immediately, and does so without the slightest apprehensions of interruption from the Indians. His remark, in closing the conversation, was, that, "unless the whites commenced to defend themselves by attacking the Indians, no difficulties would occur between them."

I have conversed with other persons of the highest respectability and intelligence, who live near the Indians, and feel assured that no difficulties are to be apprehended from the Creek nation. Much as they complain of the intention to survey and take their lands, resistance seems not to enter into their calculations or conversations. Sensible of their weakness, they have determined on submission to the whites, under all circumstances, however oppressive they may view the conduct of Georgia towards them.

Time has not lessened my fears as to the intention of M'Intosh's party ; and you will perceive, by the short message of the Governor of Georgia to the Legislature, dated the 6th instant, and published in the "Southern Recorder," of this date, that the apprehensions manifested in my letter, of the 2d instant, of the dispositions of the authorities of Georgia, towards the Indians, were not without foundation.

You will observe, in the newspapers enclosed, a part of a series of documents which accompanied the Governor's late message to the Legislature. When they are all published, it will give the General Government pain to find a degree of interference on the part of the Governor of Georgia, in the affairs of the Indians, who have, heretofore, been considered as under the exclusive care and protection of the General Government, which has never, I believe, been experienced from the Executive of any other State in the Union. Several meetings called and held by the Aid-de-camps of the Governor of Georgia, were within the acknowledged limits of Alabama, and, in calling, or holding them, it does not appear that the United States' Agents were, in any manner, consulted.

The temper manifested by the Governor of Georgia, in his letter of the 3d of May last, to Col. Joseph Marshall, a half-breed, is not calculated to allay the strong feeling of revenge, which pervades the bosom of the Indian, or harmonize with the humane views of the General Government, in preventing further bloodshed.

The correspondence, generally, will shew, that if the killing of M'Intosh was not in strict compliance with the laws of his people, (which it is, as yet, impossible to determine,) it was at least apprehended by himself and friends, and anticipated by the Governor of Georgia.

General Gaines has not yet arrived. I think it more than probable, that he is on his way, by some direct route, from St. Augustine, by private conveyance.

I have not yet received the documents or evidence, promised me in the letter of the Governor, of the 31st ultimo, which contains his charges against the Indian Agent ; and have not, therefore, been able, even if General Gaines had arrived, to proceed to the Agency.

With the highest respect, &c. &c.

T. P. ANDREWS.

*Special Agent.*

To the Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

Enclosures in Major Andrews's letter to the Secretary of War.

*From the Georgia Journal, June 7, 1825.*

### POSTSCRIPT.

We understand that hostile intentions have been manifested by the Indians opposite the counties of *Dooly* and *Early*. Considerable alarm prevails among the white inhabitants. They had collected together, and were about building a fort in *Early* county. Despatches were received by the Governor yesterday by express. They were laid before the Legislature immediately, and referred to the Committee on the State of the Republic. A report from the committee was expected to be laid before the Legislature at 5 o'clock.

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*From the Southern Recorder, June 7.*

The following Communication was made by the Governor, to the House of Representatives yesterday :

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, 6th June, 1825.*

I communicate for the further information of the Legislature, two letters this moment received from our frontiers, which indicate the urgency of interposing a sufficient force for the protection of our inhabitants.

G. M. TROUP.

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SECOND DISTRICT,

*Early county, 2d June, 1825.*

SIR : I trouble you on a subject unpleasant to us both, yet necessary. From some recent circumstances which have transpired among the Indians of this neighborhood, the white inhabitants are thrown into such a state of alarm, that my duty, joined with their importunity, compels me to acquaint your Excellency of our situation. It is true, no act of violence is as yet committed, but they have visited some houses by day and night with menaces and threats ; and, from their sullen countenances, and insulting conduct, from their sending their women and children out of the way, and the men collecting in considerable bodies, (which I understand is the fact,) and from the great prices they offer for arms and ammunition, and various other circumstances. I am obliged to view our frontiers in great danger ; divided from the savages by a line of but a hair's breadth for 60 miles, with not that number of effective men to guard it. At this moment, there are more than 20 families at my house, determined not to return to

their farms until there is a sufficient force stationed on this frontier to annoy the Indians to peace. For the present, we are building a Fort to defend ourselves as well as we can, though almost destitute of men or munitions of War. We wait with hopeful expectation for Executive aid. Meanwhile, I have the honor to be, your Excellency's obedient humble servant,

WILLIAM HOWARD,  
*Captain, by the Major's appointment.*

To G. M. TROUP, Governor.

DOOLY COUNTY, 3d June, 1825.

SIR: I wish to inform your Excellency, that, according to orders to me directed from Gen. M'Donald, I have ordered the Militia of this county out for inspection and review; and have ascertained, (which my returns will shew,) that we are entirely unprepared for any thing like an attack from the Indians, being in a great measure destitute of arms and ammunition. I also wish to inform you, that from recent information obtained from men of respectability, that the Indians design making a descent upon this frontier; and from the circumstance of their sending off their women and children, their threats, and great and unusual demand for powder and lead, I am of the opinion that we are in considerable danger, and entirely unprepared for defence. This county has a frontier of near sixty miles width, quite a thin population; and provided we had every necessary equipment, we should be unable for our own protection.

I am your Excellency's humble servant,

JOHN RICHARDSON.  
*Major of Dooly county.*

His Excellency G. M. TROUP, Governor.

*Letter from Major T. P. Andrews to the Secretary of War.*

MILLEDGEVILLE, GEO. June 12, 1825.

SIR: I had the honor of addressing you on the 2d, 6th, and 7th, instant. It would be gratifying to know that my letters, and their enclosures, of those dates, as well as the present, had reached you in safety.

In my last letter (of the 7th) I had the honor to enclose you certain newspapers, containing the message of the Governor of Georgia to the Legislature, of the 6th of June, and sundry letters to Governor Troup, from Early and Dooley counties, from all which it would appear that serious outrages on the part of the Indians were apprehended by his Excellency in those counties; you were apprised, at the same time, of the little probability of any real danger in that quarter. I

have now the honor to report that I have heard directly from those counties, and have ascertained that the alarms made known through Major Richardson and Captain Howard, were created by idle rumors altogether. The Indians of that neighborhood have been, and now are, perfectly quiet and peaceable.

I have now the honor to enclose you a copy of another message from the Governor to the Legislature, of an inflammatory character, dated the 9th instant, as well as of all the documents which accompanied the message. You will perceive that his Excellency is of an opinion, "that the most unpleasant tidings may be daily expected" from the frontiers of Georgia, of outrages by the Indians.

I regret, exceedingly, that my duty to the Government compels me to differ in opinion, frequently, from the Governor of an important member of the Union. But that duty compels me to say that I do not think there is the least danger of any such outrages being committed. The scene of this last alarm, "the Indian Springs," is from 30 to 40 miles from the nearest part of the Indian nation; there is a population of about 13,000 persons between that place and the Indians in the nation; added to which, I have daily intelligence from the Creek nation, from which there is no room to doubt, that the party in opposition to that of M'Intosh, (and which form at least nine-tenths of the Creek nation,) are perfectly tranquil, and waiting, with the utmost patience, the ulterior intentions of the Government. On the other hand, although M'Intosh's party have been warned, in an explicit and proper manner, of the wish of the Government that they should take no steps until General Gaines has made known to both parties the views of the Government, yet you will find, from one of the enclosed documents, which accompany a copy of the Governor's message, that they are exceedingly anxious to arm themselves immediately, and, I fear, with intentions of creating disturbances. From three to four hundred stand of arms have been sent off by the Governor, to the Indian Springs, but whether for the militia or M'Intosh's Indians, I am unable to determine.

The Governor has ordered out a large troop of cavalry to the neighborhood of Early and Dooley counties. This troop, which is from one of the frontier counties, may prove worse than useless in that quarter.

The Legislature adjourned yesterday, after having passed a bill making all the necessary arrangements for surveying the Creek lands, and appointed all the surveyors, amounting to upwards of one hundred. The survey is to take place whenever the Governor so orders. It is my opinion, that the Governor will persist, and that he will shortly order the surveyors to duty. The delicate attitude in which such a determination will place the General Government and the Creek Indians, (who have certainly not consented to the survey,) towards the State of Georgia, will be apparent. It is for the wisdom of the President to avert the consequences. But, in any course which the Government may take, it will labor under every disadvantage, in having to treat with authorities who appear to have thrown off all proper courtesy towards the General Government.

I have not yet received the specifications and evidence to support the charges of his Excellency the Governor of Georgia, against the Indian Agent. The report of the joint committee of the Legislature, which contains a synopsis of the evidence taken before the committee, will, it is possible, be published in the newspapers which go by the next mail. I regret to inform you, that the authorities here have determined to publish their proceedings, founded on an *ex parte testimony altogether*, without giving the Indian Agent an opportunity of cross questioning witnesses, or producing testimony in his defence; or the General Government an opportunity of examining the testimony of either party.

I have seen most of the testimony taken before the committee, and nearly all the evidence to be produced against the Indian Agent. I did not intend, of course, to express, even to the Department, an opinion on it, until I had thoroughly examined it and the counter evidence. But, as the authorities here have taken a course which must be considered as an unfair one towards the Agent, first taking testimony by putting *particular questions* to witnesses, without giving the Agent, who was present at the place during all their sittings, an opportunity of cross questioning or examining their witnesses, (witnesses whose presence, or further testimony, he has no power to procure,) and then publishing the result of this most incomplete examination, thereby forestalling public opinion, and attempting to injure the Agent in the estimation of the public and of his Government, before he has been made acquainted with the specifications and evidence against him, much less an opportunity of defending himself. Under these circumstances, I feel it due to the Government, and to the Indian Agent, to report my *opinion* of the evidence, assuring you I shall lose no time in reporting on the *facts*, so soon as all the evidence, on both sides, has been adduced and properly examined.

Some parts of the evidence, then, is of a very light and unimportant character, easily destroyed by the Agent; others contradictory; a great share *hearsay evidence* only; and the most imposing part may be destroyed or weakened, in the implication of the persons who have given it, by the testimony which the Agent will produce in his defence. On the whole, so far as it is possible for me at present to judge, I should say that no part of the evidence produced against the Agent, after it has been fairly met, will establish either of the charges against him. Should it eventuate differently, I trust it is scarcely necessary to assure you, that I will frankly retract or correct any opinion now given. But I feel myself called on to make this representation of my opinion, from the unjust course which the prosecuting party has taken to forestall public opinion, and to force, if possible, a premature decision from the Government.

General Gaines is, I learn, on his way from Augusta. He may, therefore, be expected to-morrow morning. I wait only for his arrival, and the receipt of the Governor's communications, to depart for the Indian nation.

I have the honor to remain,

T. P. ANDREWS, *Special Agent.*

Hon. JAMES BARBOUR,

*Secretary of War, Washington.*

Enclosures in Major Andrews' letter to the Secretary of War.

*Joseph and Ben Marshall and Rolly McIntosh to Chilly McIntosh.*

NEWNAN, June 5, 1825.

DEAR CHILLY : By Morly we inform you, that either the Cherokees, or some of the hostiles, are doing considerable mischief on Flint river this week past. There has been in a party of Indians, and stole as many as five horses from the whites, of which the white People, and some of our Indians, are now in pursuit of them : they have gone toward the Cherokee nation. After arriving at Newnan, we concluded to send out broken days to all our friends in the nation, to meet at the Springs the 15th of this month, agreeable to a previous notice. We have particularly required all to come who intend joining us. The hostiles are still doing all the harm to us they can. They have driven off some of Rolly's cattle, and killed a good many cattle and hogs. It appears that they are disposed to destroy every thing, and leave us bare of any thing. As for the quantity of stock destroyed, it is not ascertained, but considerable. It is necessary for us to send you word what the hostiles are determined to do, (that is) if we don't immediately go home to the nation : that they intend coming after us, and have us tied by the white People, and carried home—you know we must be very afraid of that.

We intend sending one or two men to visit their meeting at Broken Arrow, with our justification, in writing, why we have taken the steps we have.

When we left you, there was an understanding for a party of us to go and drive in Rolly's cattle, but the meeting at the Springs is so near, that we have postponed it until afterward. Nothing more until we see you at the Springs.

If you have received any further news from the President, or the Governor of Georgia, you will please forward it, as it will give us considerable satisfaction.

We are yours, as usual, &c.

JOSEPH MARSHALL,  
BEN MARSHALL,  
ROLLY MCINTOSH.

To CHILLY MCINTOSH,  
*Indian Springs.*

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*Mr. Joel Bailey to Governor Troup.*

To his Excellency :

RESPECTED SIR : In consequence of the situation of things at this place, I have thought proper to send you these papers. 'Tis impossible to procure arms of any kind; and, since writing the other letter, I have received this further news, and that of a kind not to be doubted, that numbers of those hostiles are immediately around me. The neighbors have become much alarmed, and will, no doubt, leave their homes unless we receive some assistance from you, and that as soon, as you,



in your judgment, may please to let us have. You will do me the kindness to send a line by the boy, bearer of this.

Your humble servant,

JOEL BAILEY.

P. S. The horses spoken of in this letter, we understand, were stolen by the party now in the neighborhood. Have also heard of many others being missing. Whether stolen by them or not—no doubt by some of their gang. 'Tis with the utmost regret that I am compelled to make this communication, as it affects not only the happiness of my family and neighbors, but will injure, to an extensive amount, my immediate interests.

J. B.

To his Exc'y G. M. TROUP, *Milledgeville.*

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*Chilly M'Intosh, &c. to Governor Troup.*

INDIAN SPRINGS, 8th June, 1825.

DEAR FRIEND: We have discovered, for one or two days past, signs of hostile Indians; last night it was reduced to a certainty. We have kept out a strict guard from the first discovery, and shall continue to do so until we hear from you. We have thought proper to give you this information, and hope you will adopt such measures as you may deem most adviseable for our future safety. We are without guns, except what our white friends have loaned us. We think their object is to kill some of us, and perhaps burn the buildings on this place.

Your distressed friends,

CHILLY McINTOSH,

WM. MILLER, his x mark,

BEN. DAMLAZO, his x mark.

We, the citizens adjoining to this place, and transient persons now at the Springs, have good cause to believe that the above statement of the Indians is true; from what we have ourselves discovered, we have little or no doubt of the fact. We have recommended them to keep out a guard, which they have done. We think it would be adviseable to keep a guard at this place, at least during the stay of the friendly party. Since writing the above, news has reached here that four Indians were discovered within one mile of this place, and had every appearance of being lurking about for some mischief.

JOEL BAILEY,

J. W. FOSTER,

JAS. GRESHAM,

C. MALONE, of Baldwin co.

ROB. PENICK, of Morgan co.

F. DOUGLASS, of Henry co.

JOHN MOORE, of Jones co.

JAS. ALLEN, of Richmond co.

R. E. MARTIN,  
JOHN P. DENNY,  
BOLIN SMITH.

To His Excellency G. M. TROUP.

*Governor Troup to Chilly M'Intosh, &c.*

EXECUTIVE DEPARTMENT,

*Milledgeville, June 9, 1825.*

MY FRIENDS : I have this moment received your letter, and have only to say in answer, that all the measures necessary for the defence of that part of the Frontiers, have been taken ; and that, upon the first alarm, the proper officers, with their men, will be at their posts. They will protect you within our limits, in the same manner as they give protection to our white People. I cannot put arms into your hands, because I have advised you not to use them, but in necessary self-defence, and because there would be no occasion for the use of them, for that purpose, so long as you remain within our limits. Soon you will be under the exclusive protection of the Government of the United States, which has sent a Special Agent, and has ordered a General Officer here to attend to your safety. That officer has not come, though every day expected. When he comes, you will hear. In the mean time, you will continue to listen to my talk, so far as I am now authorized to give you any : it is to keep peace as you have done from the first, and until you hear further from the Government of the United States. Our white People are strong enough to defend you and themselves, too, and I believe they are quite willing to do it.

G. M. TROUP.

To CHILLY MCINTOSH, WM. MILLER,  
and BEN DAULAZO, *Indian Springs.*

*Mr. W. B. Ector to Mr. Robert Freeman.*

MONROE COUNTY, 9th June, 1825.

MR. ROBERT FREEMAN,  
*Milledgeville.*

DEAR SIR : I have only time now to say to you what great alarm and danger exists among the people about the Springs at this time. Three or four Indians were seen last night by Esq. Robert E. Martin, late of Greensboro', passing repeatedly round his house. This is the house occupied by General McIntosh during the Spring treaty.

To-day, again, five or six were seen within a mile and a half of the Springs, by a Mr. Strahan, a respectable man, creeping in the woods. The alarm first occurred there on Sunday night, producing much

noise and disturbance amongst the dogs, &c. and to the annoyance of the people's repose, &c. The chiefs, on Monday, received intimation of the danger from the friendly party at Newnan, dated on Sunday, saying that the hostiles would come in and have the offending chiefs tied by their *white friends*, taken back, and killed, &c. Their view ostensibly is to kill Chilly McIntosh and Col. Miller. The whites in the neighborhood are, also, in great alarm, particularly women and children, the weak-minded, and cowardly. They are now, fortunately, too late, however great their anticipated support from white persons. I am, myself, immediately marching: our regiment, also, are advised of the alarm, and volunteers are concentrating, sufficient, perhaps, to afford immediate protection. But it is rather a singular contingency: no danger feared to the whites, and much doubtless intended our red friends. Under these circumstances, the *certainly* or *continuance* perhaps of their protection by the whites here, except relatively for their own safety and quiet, may not be lasting or effectual. But, if the hostiles kill them, they will have to kill a few white men at least; this will open the eyes of all to their regardless acts.

In great haste,

Yours truly,

W. B. ECTOR.

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*Governor Troup to the Legislature of Georgia.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 9th June, 1825.*

Before your adjournment, it is due to you to place you in possession of all the information received at this Department, and so soon as received, of the actual state of things upon our frontier, and from which, as by the information hitherto disclosed, the most unpleasant tidings may be daily expected. Without adverting to the causes or origin of them at all, I must say to you, that it is my deliberate opinion, that the United States' Government will be directly answerable to Georgia for every drop of blood shed upon this occasion; and I further say to you, what has been more than once said, that no State, having pretensions to even limited sovereignty, ought to be dependent on another for the protection which is due from a Government to its citizens, much less for that which, from the information communicated, seems to be urgently demanded for our frontier inhabitants. It is scarcely necessary to add, that there are no measures which you may constitutionally authorize, which I will not execute with promptness and energy.

G. M. TROUP.

*Governor Troup to the President of the United States.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, 13th June, 1825.*

SIR: In compliance with the request of the Legislature of this State, I forward a report and sundry resolutions adopted by them, with the evidence in part which supports them, and having relation to the conduct of the Agent for Indian Affairs, as connected with the late disturbances in the Creek Nation.

I have the honor to be, with great consideration and respect,  
G. M. TROUP.

The PRESIDENT

*of the United States, Washington.*

*Report and resolutions of the Committee on the State of the Republic, in reference to the conduct of the Creek Indian Agent, Capt. John Crowell.*

IN SENATE, *Friday, 10th June, 1825.*

The Joint Committee on the State of the Republic, to whom were referred the subjects of the conduct of the Agent of Creek Indian Affairs, in relation to the late treaty with that nation; and also in respect to the murder of General McIntosh and others of the Creek chiefs; have had those matters under their serious deliberation. They have not, indeed, investigated them to that extent that could have been wished; but have given them all the attention which their other duties and the length of time would allow. In addition to the documents accompanying his Excellency's message, at the opening of the session, and of the third instant, your committee, in the exercise of the power given them by resolution, have collected such further evidence as has come to their knowledge, and has been within their reach. In their view of the whole subject, your committee have not considered themselves precluded from that part of the evidence which has been before the President: because it is so supported and strengthened by what has been since disclosed, that its own weight is greatly enhanced, its character in a considerable measure changed, and, in its turn, tends greatly to illustrate the latter. On the same principle, your committee have, of course, received some evidence, which is not now in point, and, therefore, has been allowed no weight in their deliberations. This may, or may not, be rendered applicable by evidence hereafter to be obtained; and will, of consequence, be used or rejected accordingly in the final investigation.

That the Agent did not assist the United States' Commissioners at the first negotiations at Broken Arrow, in December last, or even

co-operate with them, is confessed by himself. The only apology we have heard offered for that conduct, was his ignorance; that he supposed he had nothing to do in the matter, but merely to assemble the chiefs, and to attend to the rations. Now, we deem it not too much to assume, that a man of the intelligence and sagacity of the Agent, who had been five years in the office, did well know, what the late Secretary of War had condescended to tell him, that "the paramount duty which he owed to the Government, obligated him, on all occasions, to give his hearty co-operation in effecting its views." And we further presume him to have been able to apprehend that the acquisition of territory was the object the Government had in view in holding the treaty.

But he was moreover expressly and repeatedly informed of those views, and of his duty in relation to them. The Secretary of War, on the 16th of July, 1824, in announcing to the Commissioners their recent appointment, instructed them, among other things, first, that it was "the desire of the Government that the feelings and the wishes of the State of Georgia should be particularly attended to," and the location and extent of the territory to be treated for, is therefore left at their discretion; and, secondly, that the Agent was instructed to obey their orders on *all points* connected with the proposed treaty. Of this instruction, the Agent acknowledges to the Secretary of War that he had a copy. Early in August, the Commissioners informed the Agent that they were instructed to correspond with him respecting the treaty, and expressed their pleasure in the prospect of a free discussion of *all matters connected with the subject*. And, on the 5th of September, they again addressed him; informing him of the great concern felt for the negotiation, and specially directed him "*to prepare the nation for the issue desired*." The public interests were, indeed, confided to his charge, little, if any, less, to him than to the Commissioners themselves. Was it not for the letter of the 18th of January last, from the late Secretary of War, your committee would express their astonishment at the effrontery of the Agent in pretending, if he ever did pretend, that he was ignorant either of the nature or extent of his duties.

It remains next to be seen how he performed those duties, so obvious in themselves, and moreover so anxiously and repeatedly enjoined upon him. It is natural to suppose that an officer in a high trust, knowing thus well his official obligations, if he intended treachery, would act cautiously in an enterprise of such delicacy in the management, and so dangerous if detected. His obvious course would be to act as much as possible through the instrumentality of others; concealing himself, as far as practicable, behind the scenes. In the case before us, it accordingly turns out that most of the mischiefs have been wrought at second hand. While the Agent was professedly neutral, the immediate ostensible actors in those scenes, have been those persons nearest connected with him, and most in his confidence; and most of them, if not all, in some way dependent on him, or his continuance in office. And, although positive evidence is by no means wanting, yet, perhaps, the strongest and most satisfactory

proof of his guilt, is found in the character and situation of those immediate instruments of mischief; in their connexion with the agent in various ways; and in a multitude of minor circumstances—parts of a system of measures which, we think, he instigated and countenanced, but dared not openly conduct; and, if so, more strongly evincing his guilt by the desire of concealment.

In the month of May preceding the appointment of the Commissioners, a meeting had been held by the hostile chiefs at Tookaubatchee, to resist the views of the United States. The result of their meeting was by the Sub-Agent reduced into a kind of written manifesto, declaring that they would not dispose of their lands. These transactions were notorious in the Nation, but the Agent made no intimation of them either to his Government, or to its Commissioners. When, in July, 1824, the Nation, or a part of it, had assembled at Broken Arrow, to receive their annuity, a Council was convoked, at which the Agent was present, but retired with all other white persons, except his Sub-Agent, and Hambly, his Interpreter; that the former of these might read a long communication from the Cherokees exhorting the Creeks not to dispose of a foot of their territory; of this the Agent gave no intimation, of which your Committee are apprized. Nor was any notice taken of a third meeting in November, at Pole Cat Spring, (consisting wholly or principally of the Red Sticks, of the late war,) although the meeting was at the house of the Sub-Agent, who again acted as Secretary, and published the proceedings. These proceedings amounted to a renewed declaration, that no land should be sold. During all this period, and previously from the Fall of 1823, the Committee has no doubt of there having been on foot an active, continued, and steady system of measures throughout that country, by the emissaries of the Agent, in concert with the hostile Indians, to forestall and defeat the views of the United States' Government; and, in doing so, to sacrifice the interests of Georgia, and even the safety and welfare of the Indians themselves. The constant and intimate intercourse, that must, we suppose, necessarily exist between the Agent and his Sub-Agent, predisposes us to presume a concert of action between them. And, when we see the active and continued treachery of the latter is known to the former, and no measures are taken either to restrain such conduct, to make it known, or avert its tendencies, the presumption of their being confederates, becomes almost irresistible. The Agent's conduct at the first treaty, was in exact accordance with the views we impute to him. His assumed neutrality on that occasion, even if he was in fact neutral, was a wilful departure from duty; and if, as your Committee believe, his neutrality was assumed, it was superadding duplicity to crime. It appears that these facts, most of them, were, in due time, made known to the Government.

A removal of the Sub-Agent was all the remedy that was applied. His place was soon filled, (and, it is understood, at the instance of the Agent,) by the present Incumbent, who had already earned the Agent's confidence by a similarity of views, and particularly by an opposition sufficiently violent to any present sessions of territory.

His predecessor doubtless remained there to continue his machinations in secret; so that the only effect of the measure, however well intended, is to add one more to the number of those petty tyrants, who oppress and harass the Nation, or that part of it who have lavished their blood for the American People.

On receiving the renewed and still more peremptory orders of his Government, the Agent was compelled, apparently, to co-operate with the Commissioners at the second treaty. But, in his talk to the Indians, it is curious to observe with what art he keeps within the letter, and out of the spirit, of his instructions. He had acknowledged to Major Meriwether that the proposal for their removal beyond the Mississippi would, if acceded to, be highly to their advantage; that "they would be fools if they did not accept it." But, when addressing the Indians, he draws himself carefully within the shell of his instructions, and nothing appears but what is rigidly official. "He is instructed," he says, "by the War Department to tell them" so and so; "that what the Commissioners had told them was all the talk of the President;" that "the President wished them to sell their land, and go beyond the Mississippi;" that "it was his wish also, because it was the President's wish;" and "that, if he was continued Agent, *he would go with them, and be their friend.*" Perhaps it was impossible for human ingenuity to have suggested to the imaginations of that assembly, a greater curse than his friendship, or a stronger argument against removal than the prospect of being accompanied by him. When, however, nothing could stem the current; when nothing that could be said or done in the council or out of it, could prevent that consummation so devoutly dreaded, and all, or nearly all, the Chiefs had agreed to sign the treaty on the next day, and that instrument was actually preparing, no time, indeed, was to be lost: at that critical instant a desperate measure is resorted to—a considerable number of the Chiefs are sent away that night. Hambly was the visible agent in this deed. The same man whom the Commissioners informed the Government was unworthy of confidence, but who remained, and, we believe, is still the confidential friend and interpreter of the Agent, was the bearer of this order, as it was called, and of the ridiculous falsehoods that induced them to obey it. We cannot doubt that this man Hambly, is the devoted, implicit instrument of the Agent. His situation of interpreter itself implies it. But (to take one instance among many that are scattered through the evidence) when we hear this mere interpreter tell Colonel Williamson that he (Hambly) was the proxy of the upper Chiefs, and invested with power to sell or retain their patrimonial territory—a power they denied to so many of their principal Chiefs whom they have even attempted to murder, and some of whom they have actually murdered for executing; when we hear him moreover boasting of having defeated the treaty at Broken Arrow, and darkly hinting to Williamson that Crowell being continued in his agency or not, would decide him (Hambly) how to wield this tremendous authority; two conclusions force themselves upon us: 1st, that he has neither any regard for truth nor ingenuity in a lie; and, 2d, that

he is devoted, body and soul, to his patron. We see that he is formed of materials base enough for any deed of darkness, but that he has not the talent himself to contrive the means.

The treaty was, however, signed by those who remained, being fifty-two in number of the Chiefs, head-men, and warriors of the nation, and witnessed among others by the Agent himself, and in his official capacity. It is well known that, on the next day, he denounced, to his Government, the Commissioners and the treaty; the former as having transcended their instructions, and the latter as being a nullity, for the want of the signatures of those very Chiefs who had thus been sent away. And it is equally notorious, that he followed on to Washington himself, at the heels of his protest, for the avowed purpose of preventing the ratification of the treaty. By those two acts alone he stands recorded in this dilemma. He has either officially sanctioned a pretended treaty, which is all a lie; or he has endeavored to defeat one that was legal in its form, and which, in its substance, provided for objects that he had previously acknowledged to be just and benevolent. The motive of the Agent for such an obstinate opposition to the acquirement of territory by Georgia, *within this year and the last*, is believed to be almost universally understood in this community. In the evidence, the committee find traces of it in the occasional insinuations, more or less distinct, of the confidential associates of the Agent. It is to be seen, they think, in the whole course of Walker's conduct while he was Sub-Agent; in that of Triplett before he was Sub-Agent, as proved by the testimony of Brazil, and since he has been in that office, as stated by twenty-four of the Chiefs and Indians at Newnan; in the violent declarations of Henry Crowell, who trades in the nation under license of his brother, the Agent, as proved by Colonel James Blair and Harris Allen, Esq. as well as the language held by Hambly, the Interpreter, to Colonel Williamson. But as we have, in this case, the avowal of the Agent himself, we should not advert to these acts or sayings of his subalterns, but for this purpose: that, if an unity of purpose and concert in action between him and them, should be here satisfactorily made out, he ought to be affected by their sayings and doings in instances where he has kept himself out of view. Otherwise, it is plain that he ought not to be prejudiced by any thing that he might have said or done.

His own avowal above alluded to, is found in the disclosures of the Commissioners in their recent examination. He had, it seems, during the administration of the preceding Governor, zealously bestirred himself, and had in fact obtained the consent of the Indians, to a cession of a part of their Territory. He did not then labor under any of those "misconceptions of his duty," which are so indulgently imputed to him in the letter from the late Secretary of War. But the Executive Administration of this State, having passed into hands that he did not approve, his maxims of office were suddenly changed. He instantly resolved to use the influence which his office gave him in preventing the present Administration from being in any way concerned, or indeed from being cotemporary with so important a ser



vice. He had "prepared the Indians," he said, "to cede part of their lands," he "had the matter fixed," for a cession of the lands it was understood below the Federal road; distinctly intimating, however, (says Major Meriwether, in which he is corroborated by Colonel Campbell,) "that as Troup had been elected Governor, he must not expect success to attend any application which might be made to the Indians, while he (Troup) was in office." Anticipating probably that repeated failures would effect a change in the politics of the State, and bring into the Executive Chair at the next election, a man of his own choice, he intended doubtless, in that event, to be more propitious. Accordingly, we find it intimated to the chiefs who were sent away from the treaty at Broken Arrow, that they were to meet there again in a few months. And in his protest against the treaty, he states to the late Secretary of War, his belief that, "at no distant day," a treaty could be made to the entire satisfaction of the Government. Your Committee offer no comment on this! They trust there can be but one sentiment on this subject from the foregoing very rapid view of the case, if it is a fair one, and we believe it is. Of this however, a judgment may be formed from the evidence itself. That part of it which the Committee have collected, is herewith reported, so that the whole of it is before the House. Your Committee allow no weight (for certainly none ought to be allowed) to any evidence that is not as yet brought home, at least by fair presumption, to the Agent. Those numerous collateral circumstances that are scattered through it, will be taken, it is hoped, at their true weight and no more: recollecting, on the one hand, that they generally tend to corroborate and support what they do not distinctly prove; and, on the other hand, that such of it as has been collected by the Committee is necessarily *ex parte*; and that it cannot be known how much of it the Agent may be able to controvert or explain. Taking the evidence collected by the Committee, with these cautions and deductions, can, however, hardly tend to impair the effect of the residue. Your Committee think they see enough evidence which they deem incontrovertible, to satisfy the General Government on the question of the Agent's longer continuance in office, considered either as a question merely of justice to him, or policy to the Country. Whatever doubts may heretofore have existed in the mind of the Executive, we trust will shortly be dispelled; and that a clemency that has been over indulgent, and mistaken in its extent, and which has in its operation been cruelty to the Indians, and that has operated as an unkindness next to insult to Georgia, will no longer be suffered to be thus abused.

On the second branch of the reference, that which relates to the conduct of the Agent in respect to the death of General McIntosh, and others, your committee will premise the notoriety of the fact, that there had existed, for some years, a deep and rooted enmity between them. This state of feeling is indicated in the Agent's letter to Hamblly, of the 22d August, 1823. We find it asserted, in a letter from Samuel Hawkins to the Governor, that the Agent advised the Indians to assemble and burn down the houses and destroy the pro-

perty of McIntosh. Jesse Cox testifies, that, on the 20th of April, the Agent, in speaking of the Indians, used the following words: "damned cowards, I always hated them; I still hate them, worse and worse. Any People that would suffer one man to sell their nation, ought to die and go to hell. I once put that fellow (meaning McIntosh) down, where he ought to remain, but the Big Warrior and Little Prince reinstated him. I hope the Big Warrior is now in hell for it, and that the Little Prince may soon follow him." Abraham Miles swears, that, on the 27th of April, the Agent told him that McIntosh would certainly be killed by the Indians opposed to the treaty; and, on the 30th of that month, he was murdered. We are informed in a letter of his wife's, of the 3d of May, that the leaders in that transaction declared they were supported and encouraged in the murder by the Agent and the Chiefs, and it appears, by the affidavit of Francis Flournoy, that one of those wives gave him the same account, on the morning of the murder. Another of the party told Flournoy that the Chiefs were sincere when they sent their peaceful answer to the Governor, (by Col. Lamar,) but that the Agent had altered it, and told the Council that the only way to get the land back and keep it, was to kill all who had been concerned in selling it. In giving their reasons for the act to Hawkins' widow, she says they included the name of Walker, the former Sub-Agent, as having also given them this advice. Kennedy testifies, that a rather dark complexioned man, whom they called Colonel Crowell, in speaking of the Indians, on the Sunday before the 28th of May, said, "damn them, I wish more of them had been killed, for the balance would have been more easily managed." This witness has since seen the Agent, and has since told some of the members of the committee that he is now satisfied as to the identity of his person. These are imposing facts, but your committee would again remark, that the evidence being *ex parte*, should be received with much allowance.

On the whole, your committee does not see, in the evidence, sufficient proof to justify them in presuming that the agent ordered, contrived, or instigated, the murder of General McIntosh; but, until the contrary shall be made to appear, they must fully believe, that he knew of the approaching event, and could have prevented it; and hence, as well as from the general tenor of the testimony, they are compelled to infer that it had his approbation. The Indians probably derived encouragement and confidence from their belief of the Agent's approbation, which they would naturally infer from his silence and inactivity. It is believed, that, if the Agent had been removed from office last January, General McIntosh would have now been in life.

Before dismissing the subject, it is proper to notice an insinuation of the Agent (for he does not positively assert it) to the Department of War, that the intended survey of the lately acquired territory was the immediate cause of the late troubles in the nation, and of the death of General McIntosh and his friends. The committee hardly need to advert to the testimony of Miles and of Flournoy to prove the contrary. All the evidence connected with the subject, within the

recollection of the committee, and even a certificate of certain Indians, lately published, for another purpose, by the Agent, concur to disprove this charge. We submit the import of the whole to be, that it was said by the hostiles, and, we believe, by the Agent himself, that the Chiefs were killed in pursuance of a law which they pretended was made at the Pole Cat Spring, and which they resolved to put in execution on hearing of the ratification of the treaty.

The total effect that should be allowed to all the evidence, must, and will of course, be estimated variously. But, without going beyond what is found on the files of the War Department, in the Agent's own acts, in the official correspondence, and in his own distinct avowals, your committee feel assured of the conclusions that are embodied in the following resolution, and which they therefore recommend to the consideration of the House :

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby resolved as the sense of the same, That the present Agent of Indian Affairs for the Creek Nation has heretofore, at least since the Fall of 1823, been regardless alike of his duties to the General Government, and of the well-being of the Indians under his charge; that the very considerable power in his hands of affecting the interests of this State, has been prostituted to purposes unworthy in themselves, and foreign from the objects of his appointment; that, in the opinion of this Legislature, objects of private interest, and purposes arising in the strife of State politics, have mainly influenced and governed his conduct; and that he has hence been either the advocate or the opponent of the rights of this State, as those rights have happened, from time to time, to coincide with, or stand opposed to, the private advantage of him or his friends and his political predilections; to which, in the opinion of this Legislature, he has long been and now is willing to sacrifice the interests of the General Government, and the happiness and safety of the Creek Indians; that his continuance in office hitherto has been, and, hereafter, will be, greatly to the injury of this State; and that the confidence of a large part of the Creek Nation is now so irrecoverably alienated from him, that it would, hereafter, be impossible for him to administer and superintend their affairs to their advantage and comfort, even if he was disposed so to do; and that this Legislature do request of the President of the United States to remove the said Agent from office; and, to the end that all due and proper proof of his delinquency may be made,*

*Be it further resolved, That his Excellency the Governor do appoint two or more fit and proper persons to collect and receive evidence therein, and that such persons, when so appointed by his Excellency the Governor, shall be invested with all the power of sending for persons and papers, and of examining witnesses, that is vested in either or both Houses of this Legislature.*

*And be it further resolved, That his Excellency the Governor be, and he is hereby, requested to transmit to the President of the United States a copy of this report, resolution, and the accompanying docu-*

ments, or such parts thereof as are not now in possession of the President.

Read and agreed to.

ALLEN B. POWELL.

*President of the Senate.*

Attest.

WM. Y. HANSELL, *Sec'y.*

In the House of Representatives, Friday, 10th June, 1825. Read, and concurred in.

JOHN ABERCROMBIE,

*Speaker.*

Attest.

WM. C. DAWSON, *Clerk.*

Approved, 11th of June, 1825.

G. M. TROUP, *Governor.*

*Interrogatories to be put to Duncan G. Campbell, Esq. United States' Commissioner, relative to the improper interference of John Crowell, the Governmental Agent for the Creek Nation, with the late Treaty concluded for the use of Georgia.*

1st. Please state whether or not you have, at any time, heard the Indian Agent, Col. Crowell, express any determination to restrict the nation from ceding lands to this State, so far as he might have it in his power; if yea, please state when and where it was; under what circumstances this resolution was avowed, and upon what condition it was predicated?

2d. Relate, if you please, any conversations you may have had with persons connected with, or in the employ of, the Agent, and which would manifest the hostility of the latter to the interest of Georgia and the policy of the General Government.

3d. Have you reasons to believe that the Agent, Col. Crowell, was decidedly inimical to the cession of territory by the Creeks, and that he interposed obstacles to obstruct such cession? If so, be so good as to state what are the grounds of that belief.

4th. Relate all you know which would implicate the Agent, Col. Crowell, with having improperly intermeddled with the interests of this State, or with having instigated the late massacres of McIntosh and his friends, in the Indian country. Were, or were not, the acts of the Sub-Agent referred to by you, known to the Agent? if yea, did he, or did he not, attempt to restrain them, and was he requested so to do?

#### STATE OF GEORGIA.

Duncan G. Campbell appeared under process of subpoena before the Committee on the State of the Republic, and being sworn in the presence of said committee, and furnished with interrogatories, and

also with a resolution of the committee, touching the inquiry which has been instituted into the conduct of the Agent for the Creek nation, answered as follows :

The interrogatories propounded to examinant, seem to him to admit of consolidation, and of an answer of more general tenor than the interrogatories themselves would appear to contemplate.

They require the relation of all facts within the knowledge of examinant, going to shew the hostility of the Agent of Indian Affairs "to the interests of Georgia, and the policy of the General Government."

They require the belief of the examinant, and the reasons of it, whether the Agent was not decidedly inimical to the cession of territory by the Creeks.

They require the statement of all facts which would implicate the Agent with having instigated the late massacres of McIntosh and his friends in the Creek nation.

They require to be related all conversations which examinant may have had with the connections or persons in the employ of the Agent, which would manifest the hostility of the latter to the interest of Georgia, and the policy of the General Government.

The two latter requirements of the interrogatories may be briefly disposed of thus :

There is no fact within my knowledge, which would implicate the Agent with having instigated the massacre of McIntosh and his friends in the Indian country.

Of the persons with whom I have conversed upon the subject of the treaty before it was concluded, I know not which of them, or whether any were in the *employ* of the Agent. I have heard individuals, and amongst them a connection of the Agent, make declarations which I considered inimical to the interests of Georgia, and the policy of the General Government. These I supposed to be superinduced by interest or prejudice, or both ; and regarding them as silly and inconsistent, and perhaps irrelevant, I omit to detail them.

These two latter grounds being disposed of, I am carried back to the two first, and they, in substance, resolve themselves into one, which is directed to the simple inquiry of, whether from conversations which I have had with the Agent, and from other facts, it is not my belief that he was "inimical to the interests of the State of Georgia and the policy of the General Government," as connected with the cession of the Creek territory.

I cannot resist the belief, that he was opposed to a treaty. I had a conversation with him in November, 1823, just after Commissioners had returned from an unsuccessful mission to the Cherokees. We had both been disappointed in our wishes and calculations as to the result of the Governor's election, and expressed to each other that disappointment in terms of feeling and regret. In the course of conversation, we spoke of the prospect of a negotiation with the Creeks for a cession of territory. The Agent observed, in substance, that he had had the thing fixed : and, I think, added, that we should have got the land below the Federal Road. He advised me to resign my ap-

pointment as United States' Commissioner, intimating that the result of the election had operated a change in his feelings in that regard. The conversation was desultory, and regarding it as the effusion of the moment, it did not impress me so strongly as that I am now able to make a more minute detail. I did not consider these declarations at the time, as evidence of "settled hostility to the interests of Georgia, and the policy of the General Government, or of a disposition, decidedly inimical to a cession of territory by the Creeks." On this account, I did afterwards, in the Summer of last year, to the Secretary of War, and to my colleague, express a confidence that the Agent would "afford us all the facilities within his control."

The written correspondence which I conducted with the Agent previous to the meeting at Broken Arrow, my correspondence with the War Department in January, and the entire proceedings which occurred, pending the treaty at the Indian Springs in February, I perceive are before the committee. From these I derive the fact of the Agent's assumed neutrality at Broken Arrow, which the President determined to be incompatible with his duty; the fact that he failed to report or restrain the adverse movements of his assistant agent; and the fact that, by his letter of the 13th February last, he aimed to prevent the ratification of a treaty, to the formalities of which he had before made no objections, and which had obtained the sanction of his official attestation.

Having given my belief, and the reasons of it, as required by the interrogatories exhibited, and perceiving no other matter material to be answered, I subscribe these my answers, and submit the same to the committee.

DUNCAN G. CAMPBELL.

In answer to an additional interrogatory propounded to the Commissioners, in presence of the committee, they refer to that part of the printed documents in possession of the committee, which contains a journal of their proceedings at Broken Arrow, and a report of one of the Commissioners to the Secretary of War, in January last.

DUNCAN G. CAMPBELL,  
JAMES MERIWETHER.

DAVID BLACKSHEAR,  
*Chairman.*

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*Interrogatories to be put to Major James Meriwether relative to the Agent, Col. Crowell.*

1st. Have you any reasons to believe that the Indian Agent, Col. Crowell, has improperly interfered with the rights and interest of Georgia, or was concerned in instigating the recent murders in the nation? if yea, please state what are the grounds of that belief.

To the first part of the interrogation, I answer, that I have; and the following are the reasons of that belief.

In a conversation I had with Col. Campbell the second week in November last, in reference to the dispositions of the Agent, Colonel Crowell to promote our success in the approaching negotiation, he gave me, substantially, the following account. That Col. Crowell, in the afternoon of the day in which Gov. Troup was elected, said to him (Col. Campbell) "that he had prepared the Indians to cede a part of their lands," or, "that he had it all fixed," distinctly intimating, however, that, as Troup had been elected Governor, he must not expect success to attend any application which might be made to the Indians while he (Troup) was in office, and concluded by advising him (Campbell) to resign.

Taking into view, however, the time when, and the occasion upon which this declaration was made, I attributed it to the excitement of the moment, consequent upon his disappointment in the issue of the contest between Governor Troup and Captain Talbot. But in this I have reason to believe that I was mistaken.

1st. Because Col. Crowell neglected to communicate to the War Department, or the Commissioners, the "Tuckabatchee Talk," which I believe had been held principally by the Chiefs on the Alabama side of the Nation, with a view to prevent our success, in the Spring of 1824, and was known to the Agent as early as the month of June, thereafter.

2d. Because he assumed a neutral position, as he stated, during the negotiation at Broken Arrow, and did not afford us that aid which we had a right to expect from the Agent of the Government, in promoting its views, especially when he frequently declared his conviction that an exchange of Territory and a removal to the West of the Mississippi, would essentially benefit the Nation; and when the proposal we had made, or intended to make, was communicated to him, he observed that the Indians would be fools if they did not accept it.

3d. Because I have reasons to believe that Col. Crowell knew of the movement, by which the departure of the Cussetahs from the Indian Springs was effected, after we had been informed of their willingness to enter into a Treaty. The reasons for which belief, are, that, from the devotion of Hambly, the Interpreter, (whose agency on that occasion was proven to my satisfaction) to Col. Crowell, and his lodging in the same room with him, I cannot believe he would have taken a step so responsible without the privity and consent of the Agent.

These circumstances may have made a stronger impression on my mind, than they might have done on others; and, if they be too strong, I hope it will be made apparent, but they constitute the ground of my belief, and, as such, I offer them to the Committee.

To the latter part of the interrogatory I answer, that I have no reason to believe that he was concerned in the recent murders in the Nation, other than those already in possession of the Committee

JAMES MERIWETHER.

D. BLACKSHEAR, *Chairman.*

*Interrogations to be exhibited to Francis Flourney.*

1st. Were you at General William McIntosh's on the night of his murder ?

2d. If you conversed with the murderers on the subject, please state what cause they assigned for their conduct.

3d. Have you been recently in the Creek country ? If yea, state what are the grounds the Indians assign for the murder of McIntosh.

4th. Relate any facts which may go to shew the determination of the hostile Indians to murder McIntosh, and which occurred previously to the attempt on the part of the Executive of Georgia, to obtain the consent of the Indians to survey the Territory.

5th. Do, or do not, the Creek Indians hostile to the treaty, express at this time their firm resolve never to abandon the Territory ; and particularly when asked whether they would consent to have the Territory surveyed, after September, 1826, do they, or do they not, deny any more right on the part of the State at that time, than at the present ?

6th. Were any of the Indians who murdered McIntosh, painted ?

7th. Were there any guns discharged at Chilly McIntosh.

8th. State whether or not, you have heard the Indians say, during your stay among them, that McIntosh's giving his consent to have the Territory surveyed, had caused or hastened his death ; or, on the contrary, have they not uniformly attributed his murder to his ceding the land ?

*Answers of Francis Flourney, before the Committee on the State of the Republic.*

To the first question he answers :

Witness was at General McIntosh's the morning of his murder, conversed with one Hutman, a white man, who was also there ; observed to Hutman that that was a rough way of doing business. He answered yes, but it was their way ; he said he was sent by the head Chiefs as Interpreter, &c.

To the 2d. He was last week two days in the lower part of the Creek Nation, and mixed much with the Indians, and after speaking with them on the death of McIntosh, they answered it was good ; it was in pursuance of a law he helped to make at the Pole Cat Springs, and published at Broken Arrow.

To the 3d. A little before the ratification of the Treaty, and before Colonel Lamar went out to the Nation, witness was in the Nation, and there saw a white man, who had married an Indian woman and resided in the Nation. He had moved with his stock down near the Early line, and gave for reason, the Indians were dissatisfied with the Treaty ; that Colonel John Crowell had gone on to prevent the ratification of it ; that the Indians had determined, if that measure failed, to kill McIntosh ; this would certainly produce a war, and he wished, in that event, to be near the line with his stock, that he might conveniently move them out of the Nation.



To the 4th. Witness conversed with a white man, and several, say from twelve to twenty, of the hostile Indians last week; they said, that the Indians would hold themselves in readiness, and kill the first surveyor who stretched a chain across the land, and then kill all those who afterwards came to survey it. Witness asked them, if they would not allow it to be surveyed after the time was out; they said the time would never be out; that those who made the treaty were dead, and that there was now no treaty. The white man said, that one of their chiefs had marked the size of his foot, and said the whites should never have that much of their land, while there was an Indian living in the Nation; that the white men might manure the land with the bodies of the Indians, and walk upon their bones. Witness then asked the old white man, (whose name was Harol, or Harol,) to tell him, seriously, whether he did not think the Indians would consent to the survey of the lands, after the 1st of September, 1826. He damned the day, and asked the witness what he thought the Indians knew or cared for that day; they would as soon the white people should have it now as then, but were determined they never should have it.

To the 5th. A good many of the Indians who murdered McIntosh were painted. Witness says several, perhaps from twelve to twenty, guns were shot in the direction that Chilly McIntosh and Kennard retreated; the Indians said they had discharged these guns at two men, who witness is certain was Kennard and Chilly McIntosh. Witness from the time, distance, and direction, had previously no doubt of the fact. Witness never heard the Indians, or any of them, suggest that McIntosh having agreed to permit the land to be surveyed, was what they killed him for; the reason given by the hostiles to witness, and in his presence to McIntosh's family, and others, was, uniformly, that he had broken the law, which was frequently explained to mean the law of the Pole Cat Springs; they last week suggested, that, if an attempt should be made to survey the land, it would produce difficulty, but he never before heard them say any thing about surveyings; and on this late occasion, he did not learn that the question of surveying ever had produced any difficulty.

FRANCIS FLOURNOY.

Answered, sworn to, and subscribed, before me, this 9th June, 1825.  
DAVID BLACKSHEAR, *Chairman*.

*Interrogatories to be exhibited to Major William Williamson.*

1st. Were you, or were you not, in the Creek country during the pendency of the negotiations at Broken Arrow and the Indian Springs, and in the interval between those times?

2d. When you visited the nation in order to assemble them to meet the Commissioners, did you meet with the agent Col. John Crowell? If so, please state what he represented the object to be of the Indian council, then in session, and whether he advised you to discontinue your visit to the same.

3d. From what you afterwards learned of the true situation of the Warrior, connected with other circumstances, do you, or do you not, believe that Col. Crowell stated the true object of the meeting of the Council?

4th. Had you any conversation with the Interpreter Hambly?

5th. What declaration did he make to you concerning the approaching treaty? and, particularly, what did he say as to the determination of certain chiefs to be wholly influenced by his (Hambly's) opinion, in ceding territory, and who were those chiefs?

6th. At the time of your interview with Hambly, had the Sub-agent Walker been dismissed, and did the Interpreter apprehend a similar fate for Col. Crowell? and, particularly, did he, or did he not, avow that the agent's safety and continuance in office must be guaranteed; otherwise there could be no treaty?

7th. Did Hambly admit the justice of the claim of Georgia, and the propriety of the policy pursued by the United States? and did he promise, at a particular time, to give you a definitive answer as to the course he should pursue in the negotiation?

8th. After the convention of the Indians, did you observe any change in Hambly's conduct?

9th. When you pursued and overtook the Indians, who suddenly departed from the treaty ground, what were their statements as to the causes of this sudden change of opinion, and of their flight?

10th. Have you ever heard any of the head men and chiefs express their opinion of General McIntosh? their confidence in his wisdom, and their wishes to be governed by his views, in relation to the treaty? If yea, please state who, when, and where, and what did they say?

11th. From your knowledge of the subserviency of Hambly to the wishes of the Agent, have you any doubt but that he acted by his advice in counselling the departure of the Indians? and what are your opinions on this subject? and upon what facts and circumstances are they founded?

12th. From all that came within your observation, have you any doubt that Colonel Crowell, secretly, and by every means in his power, endeavored to defeat the treaty? and please state the grounds of your belief.

13th. What declarations have you heard from Henry Crowell on the subject of the treaty, and when and where made?

14th. Was any message or communication received from Big Warrior, during the pendency of the treaty at Broken Arrow? If yea, what were the contents of said communications?

15th. What were Hambly's acknowledgments as to the defeating the attempt to hold the treaty at Broken Arrow?

The examinant, William W. Williamson, being called on by the Committee on the state of the Republic, to answer interrogatories exhibited to him touching the conduct of the Agent, Colonel John Crowell, and others, pending the different negotiations with the Creek Indians, at Broken Arrow and the Indian Springs, for answer saith:

~~That examinant was at Broken Arrow and the Indian Springs~~

pending the different negotiations with the Indians, and was also some time in the nation in the interval between the different negotiations.

On my way to the nation to notify the chiefs to attend the treaty at the Indian Springs, it was necessary, from my instructions, to apprise the Agent of my business, and to obtain all the necessary information as to the manner, &c. of giving out broken days to the different towns. The Agent stated to me, that he had received instructions on the subject from Colonel Campbell, and had despatched messengers, and he presumed that the information would generally be known in time. I stated to him, the Agent, that I was particularly instructed by Col. Campbell to notify the Tuckabatchee chiefs; that he deemed their presence all important, or that they should, at least, be notified by a white man. The Agent, in reply, stated that the Tuckabatchee, or Upper Town chiefs, were in council at that time, and that he had despatched his brother, Thomas Crowell, who, he had no doubt, would find them in council, and his notification would obviate the necessity of my going any farther. I inquired of the Agent, Colonel Crowell, the object of the meeting at Tuckabatchee. He replied, that the Governor of Alabama had made a demand of the Big Warrior to deliver up the murderers, or supposed murderers, of a family within the limits of Alabama, and, in the event of a refusal on the part of the Big Warrior, that the Governor would send his cavalry into the nation, and take the Big Warrior, and have him hung; and that the Warrior was in great distress, and had convened the chiefs on that subject.

I do not recollect that I made any further inquiry on the subject of the council, after leaving the Agency, until after my arrival at Chatahootchie: there I understood that the friends of Gen. McIntosh were excluded from the council, or were not invited; that they could learn nothing from any of the Indians that went on, or were going; and, from the circumstance of so much secrecy, the belief was that their object was to break General McIntosh. I afterwards made the same inquiry of Colonel Hambly: his reply was evasive. I then stated what I had heard, relative to the demand of the Governor of Alabama. He simply replied, that the Big Warrior was too far gone to feel any thing like fear. I thought I discovered considerable reluctance on his part, in giving me any satisfaction as to my inquiries on that subject, and I pressed the inquiry no further.

I had frequent conversations with Colonel Hambly, the Interpreter.

In the course of our conversations, he frequently stated to me that the Upper Town chiefs, in the Square, at Tuckabatchee, had placed the power entirely with him; that he held the yea or nay of that section of the nation; and that if he (Hambly) said make a treaty, they would do so; and, if he was opposed to it, they would act according to his wishes.

I received the information from Hambly, of the Sub agent, Walker, being dismissed. We had considerable conversation on the subject of Walker's removal, and also the situation of Colonel Crowell. He (Hambly) was under an impression that he (the Agent) was strongly censured by the Commissioners, and that the object of Col. Camp-

bell's visit to the City of Washington was to prefer charges against the Agent. I gave him the strongest assurances that his impressions, as to the object of Colonel Campbell, was all a mistake; that he had no such views. I was induced to believe, from various circumstances, which I deem unnecessary to state, that he would not be in the way of the Commissioners in the pending negotiation; and, in all of our conversation, when speaking as to the stand that he would take, he generally concluded by the same remark, that he did not know what he would do if the Agent could be saved.

We also had lengthy conversations as to the policy of the General Government in removing the Indians West of the Mississippi, which he believed was the best policy that could be adapted for the interest of the nation. The claims of Georgia, he had no doubt, would be satisfied; and, if the Indians were to be removed, which he did not doubt the sooner the better. On the second day of the treaty, he promised me he would give me a definite answer, as to the ground he would occupy on the subject of the treaty.

After the convention of the Indians at the Mineral Springs, there was evidently a change in the conduct of Hambly; he was distant, and reluctant at entering into a conversation on the subject of the treaty.

On the subject of the sudden departure of a part of the chiefs from the treaty ground, I have already reported, which report I have understood was subject to the control of the Committee.

I have heard a great number of the Indians that could speak English, and others, as stated by those that understood the English language, speak in the highest possible terms of General McIntosh. The old chief Tuskenaha and Tuckabatchehajo, two of the Cusetas that left the treaty ground, stated to me, through James Hands, my interpreter, that they were friends to McIntosh, and to tell him that their hands and hearts were with him. I do not understand the language myself, and had to depend on my Interpreter: how far his statement may be true, I cannot tell. I do not know that I can give any substantial reason for believing that Hambly would subvert the views of the Agent. I did, and yet believe, that Hambly was the cause of the Indians leaving the treaty ground at the Indian Springs, and, under the then excitement of feeling, and the statement of one chief, I was disposed to believe that Colonel Crowell was privy to the arrangement; and it is from that circumstance, connected with various causes, that would not bear detailing, that induced me to believe that the Agent was unfriendly to the treaty.

I have had but little conversation with Henry Crowell on the subject of the treaty. On my way out to Broken Arrow, I called at Henry Crowell's, I think the same evening that he arrived home from the treaty ground. On my inquiring the prospects of success, on the subject of the treaty, he stated to me that the Commissioners would not succeed in their negotiation. On my inquiring as to the reasons or causes of failure, he stated, as one, that he was opposed to the treaty; that no land should be obtained under the administration of Governor Troup.

To the 14th interrogatory, he answers: that he understood in the nation, that the answer received from Big Warrior disappointed his friends and adherents. His advice, he learned, was to soothe McIntosh: for that he had the power to sell the whole territory. This power, it was said, was delegated to him by power of attorney, in 1817.

To the 15th, the witness answers: that Hambly, the Interpreter, distinctly stated to him, that he had defeated the treaty at Broken Arrow; that he once thought the Commissioners would succeed, but that he had used every effort to prevent the treaty, and had prevailed.

WM. W. WILLIAMSON.

Answered, subscribed, and sworn to, this 1st of June, 1825.

DAVID BLACKSHEAR, *Chairman.*

*Interrogatories to be exhibited to Jesse Cox, relative to the murder of General McIntosh, and his friends.*

1st. Were, or were you not, at the store of Thomas Crowell, in the Creek Nation, on the 20th of April, of the present year, or sometime during that month? If so, please state whether or not you saw the United States' Agent, Col. John Crowell? If yea, please state whether or not you heard him make use of the following expressions, or words of similar import: "Damned cowards; I always hated them; I still hate them, worse and worse. Any People that would suffer one man to sell their nation ought to die and go to Hell. I once put that fellow, (meaning McIntosh,) down, where he ought to remain; but the Big Warrior and Little Prince reinstated him. I hope the Big Warrior is gone to Hell for it, and that the Little Prince may soon follow him. When I was at Washington, I communicated to Gen. Jackson the grievances of this People; he, with a voice of wonder, asked if the Creek Nation had lost all spirit of resentment?"

2d. If you did not hear the above expressions as quoted, relate what you did hear on the subject, and whether any persons were present?

To the first question, he answers, "I was."

To the second, he answers, "I did."

To the third, he answers, "I did hear the Agent make use of those words."

To the fourth, he answers, "I heard nothing more."

JESSE COX.

Answered, subscribed, and sworn to, before me, this 28th day of May, 1825.

DAVID BLACKSHEAR, *Chairman.*

*Interrogatories to be exhibited to Theron Spencer.*

1st. Have you, or have you not, been in the Creek country within the last six months? If yea, please state when it was.

2d. Did you, or did you not, see the Indian Agent, Colonel John Crowell? If so, state on what day you saw him, the time of day when you parted from him, and the place.

3d. Please say, whether or not you saw any painted Indians in the Creek country; if so, where? how many? where, and what direction were they travelling?

4th. Did you understand, while in the Nation, the cause or causes of the excitement among the Indians, and from whom?

Mr. Spencer answers to the first question: I have travelled through the Creek Nation twice, within about six months last past.

To the second: I saw him on Friday night, the 29th of April, at Thomas Crowell's, on the other side of the Chattahoochee; did not see him the next morning.

To the third: I met several Indians about ten or fifteen miles this side of the Chattahoochee; there were twenty or thirty of them, some of them were painted; they were travelling towards Thomas Crowell's.

To the fourth: I understood, as I went out, in March, their dissatisfaction was on account of the late treaty. Their faces were painted red; there was a ball play in that quarter, as I understood, on that day; never understood that Indians painted for ball plays; attended once a small ball play, and the Indians were not painted; a part of them were on horseback; had no ball sticks or guns with them; they were not all painted. Witness understood the ball play was at or near Spains, which is about thirty miles this side of the Chattahoochee. The Indians were going in the contrary direction from the ball play. Left Thomas Crowell a little after sunrise; made but a short stop until he met with the Indians, which he thinks was before twelve o'clock; and that he does not know that Colonel Crowell saw these Indians.

**THERON SPENCER.**

Answered, sworn to, and subscribed to, before me, this 6th June, 1825.

**DAVID BLACKSHEAR, Chairman.**

*Interrogatories to be exhibited to Harris Allen, of Baldwin County.*

1st. If you are privy to any facts or conversations, which would show the hostility of Colonel John Crowell to the interest of Georgia, and the policy of the General Government, or which would implicate him, Colonel John Crowell, of instigating the late massacres of McIntosh and his friends, please state the same, fully and at large.

2d. Please state, if you know, the relationship which exists between Henry Crowell and the Agent, Colonel John Crowell.

*Answers of Harris Allen, before the Committee.*

Mr. Allen was present at the time of the last session, he thinks, when Henry Crowell was conversing with several persons in respect to the contract for provisions, and about the treaty, and whether any land would be obtained. Henry Crowell, after using some very profane language on the subject, said, we would not get a damned foot of land; and, after repeating this assertion, he said, we should not get any land, unless some particular persons (not naming them) were damned well greased. Witness cannot express any opinion as to who was meant to be greased.

*Second Question.* Witness answers, That Henry and John Crowell were known as brothers, generally: he understands Henry Crowell resides in the nation; John Crowell was not present at the time, and witness does not know that his name was mentioned; understands Henry Crowell trades in the nation, under a license from his brother, the Agent.

H. ALLEN.

Signed before

DAVID BLACKSHEAR, *Chairman.*

*Interrogatories to be exhibited to Abram Miles.*

1st. Were you, or were you not, in the Creek country, immediately before or since the late treaty? If yea, please say whether or not you had an interview with Colonel John Crowell, his agents, or connexions; and, if so, what is the tenor and import of the conversations held with you, or in your presence and hearing, relative to the treaty?

2d. Did you, or did you not, hear any thing from Colonel Crowell, his agents or connexions, which would manifest hostility to the policy of the General Government, the interests of Georgia, or the friendly Indians, and which would implicate them in the late massacres and disturbances in the Creek country? If yea, please state the same fully and at large.

To the first interrogatory exhibited to me by the Committee, I answer: That I was on my return from Alabama to Georgia, and called at Colonel John Crowell's, at Fort Mitchell, on the 27th day of April last, at which time some conversation took place between myself and the Agent, respecting the late treaty, and the dissatisfaction of a part of the Indians, on account of the ratification of the same; which the Indians did not believe, until he (Crowell) returned from Washington, and informed them; which information appeared to displease a part of the Indians belonging to the Tuckabatchees, &c. very much.

To the second interrogatory, I answer: That Colonel Crowell informed me, at the same time and place, that General McIntosh was at that time at his residence, with a guard around him, and that he would be killed by the party opposed to the treaty. And further

stated. that there was not one Chief in the nation, who knew any thing about sanctioning the surveying of that part of the land, which falls within the boundaries of Georgia, except McIntosh, who had himself authorized the Governor to proclaimate the same.

Nothing else material recollected, in answer to the questions.

A. MILES.

In answer to a question from the Committee, witness further states, that he understood from Crowell, that McIntosh's having concurred in ceding the land, was the cause of the hostile disposition of the Tuckabatchee Indians.

In answer to an interrogatory from the Committee, he further answers, that Crowell did not state it as though he would do it; he, however, spoke very confidently of it, as an event that would certainly take place by the Indians. Witness says, that before he saw Crowell, he saw certain Indians, who said they belonged to the Tuckabatchee towns. These Indians seemed very much incensed, and said he would and he should be killed: they gave as reason, that he had been instrumental in selling their lands, without their consent.

A. MILES.

Answered, subscribed, and sworn to, before the Committee, this 4th June, 1825.

DAVID BLACKSHEAR, *Chairman.*

*Interrogatories to be exhibited to Henry Brazeal.*

1st. Have you ever heard any conversation of Colonel John Crowell's, his brother Henry, or the Sub-Agent, Major Thomas Triplett, relative to the cession of lands to Georgia by the Creek Nation? If yea, please state the same.

*Answers of Henry Brazeal before the Committee.*

Witness was at the house of Henry Crowell in last December, in the Creek Nation. Thomas Triplett, the Sub-Agent, was there, and said, if they (the Indians) should come to him for advice while Troup was Governor, he should advise them not to sell their lands. This was before the attempt to hold the treaty at Broken Arrow.

G. H. BRAZEAL.

Answered, sworn to, and subscribed before me, this 9th day of June, 1825.

DAVID BLACKSHEAR.

*Chairman.*

*Answers of James Blair before the Committee.*

Witness has heard nothing from John Crowell. During last session he saw Henry Crowell at Mrs. Huson's. Witness asked him his opinion as to whether we should get any land, and he answered, with an oath, that he did not think we should get one foot. He al-



ways understood John and Henry Crowell were brothers. Crowell gave no reason for saying so, that the witness recollects. Witness was asked whether he ever told any person that Henry Crowell told him (the witness) that it was true he was here with proposals to furnish provisions for the treaty, for he might as well be making money as any body, but as to the treaty, he would be damned if we would get as much land as would make a burying ground. Witness answered, no; I never told any person so as I know of.

JAMES BLAIR.

DAVID BLACKSHEAR, *Chairman.*

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*Interrogatories to be exhibited to Elijah M. Amos.*

1st. Have you ever been present at a council of the Creek Nation of Indians within the last twelve months? If yea, please state where and when it was held.

2d. Did the Agent, Colonel John Crowell, attend said council?

3d. Relate all you know that came within your observation relative to the conduct of the Indians, the Agent, and other white men who were present at the council.

4th. Did you, previous to the proclamation, observe the Agent in conversation with Walker, Doyle, Hambly, or either of them?

*Answers of Elijah M. Amos to the questions propounded by the Committee.*

To the first question he answers:

I was present, in July, 1824, at a Council of the Creek Indians at Broken Arrow.

To the second question he answers: I did.

To the third question he answers:

It was announced by some person in the square where the Council was held, that something was to be read or communicated that they did not wish the white people to hear. Accordingly, all the white people retired from the square, among the rest Col. Crowell and the witness, leaving no white person in the square but Hambly, the interpreter, and Walker, the Sub-agent. Afterwards, the witness being behind the cabin, in front of which the Council was held, heard Walker read part of a long paper which was translated by Hambly into the Indian language. The following was, in substance, contained in what witness heard: "We speak this to you in Council; we wish you to live like the Cherokees. and not sell your lands, or a foot of them." Witness understood it to be a communication from the Cherokees. Before they had got through with reading it, one Doyle, a white man, who acted as marshal on the occasion, came to witness and told him that the Agent, Col. Crowell, said he must go away; that he must not hear that paper read. Col. Crowell was not in hearing when this order was delivered to witness. The witness then went away. Witness also saw them reading and translating another piece, of which he heard nothing, but understood, from

the talk among them, that it was a communication from a friend in Tennessee.

To the fourth interrogatory he answers:

That he arrived at Thomas Crowell's, he thinks, on Monday or Tuesday evening. The Council commenced its sitting, he believes, a little before or after he got there. Col. Crowell was there when the witness arrived. The Council sat, he believes, a day or two after witness left there. McIntosh was present at the Council. Witness understood the object of the meeting of the Indians was said to be to receive their annuity; at least they did there receive it.

ELIJAH M. AMOS.

Answered, sworn to, and subscribed, before me, this 6th June, 1825.

DAVID BLACKSHEAR, *Chairman*.

*Questions to be propounded to John C. Kennedy,*

1st. Have you ever heard John Crowell conversing about the Creek Indians? If so, when was this?

2d. What did he say?

Witness answers, to the first question, that, last Sunday, between breakfast and dinner, he heard a conversation in the piazza, either at McComb's or Huson's, between two persons, one of whom had on homespun pantaloons, and the other being a man of rather dark complexion, whom they frequently called Col. Crowell.

In answer to the second question, he says:

That Crowell, speaking of the Indians, said, "These Indians are damned fools; I wonder what they are doing here; I will have them harnessed and taken back." He was asked, by the person conversing with him, whether he did not think the lives of the Indians were in danger? He answered, no, he did not think there then was danger; or ever had been danger. He was asked whether he did not think there was danger, when some of them were killed? He said McIntosh was killed in pursuance of the laws, and "damn them," he wished more of them had been killed, for the balance would then have been more easily governed. He was asked whether he did not consider himself in danger? Crowell asked if it was meant the laws of this State? He was answered, yes. He replied he did not; that he considered himself out of their reach. He was told it would cost him a good deal of money. He said he expected it would, but he expected to have money enough to pay that: for he should have a good deal of money in the end, let the thing go as it would. The gentleman told him he believed he deserved hanging, upon which they appeared to be both very mad, and walked off.

Witness resides in the seventh district of Henry County. His brother was present at the foregoing conversation.

JOHN C. KENNEDY.

DAVID BLACKSHEAR, *Chairman*.

IN SENATE, *Friday, 10th June, 1825.*

The report of the Committee on the State of the Republic, to whom was referred the subjects of the conduct of the Agent of Creek Indian Affairs, in relation to the late treaty with that nation, and, also, in respect to the murder of General McIntosh and others of the Creek chiefs, was read ; and, on the question to agree thereto, it was determined in the affirmative ; and the yeas and nays being required, are, yeas 31, nays 18. Those who voted in the affirmative, are, Messrs. Allen, Baker, Beall, Blackshear, Brown, (of Decatur,) Brown, (of Hancock,) Cook, Crawford, Gamble, Gibson, Gilmore, Hardee, Hardeman, Holt, Jones, Little, Maugham, Maxwell, McCrimmon, Miller, Powers, Prince, Rawles, Shaw, Stocks, Stokes, Taylor, Tignor, Whitehead, Wimberly, and Winn—31. Those who voted in the negative, are, Messrs. Blackstone, Bezeaman, Cleveland, Coffee, Johnson, Mitchell, Mobley, Philips, Sellers, Strawn, Swain, Sevilley, Tennille, Walker, Wellborn, Wilkinson, Wooten, Worthy, and, by permission, the President voted in the negative—18.

OFFICE OF THE SECRETARY OF THE SENATE,

*Milledgeville, 13th June, 1825.*

I certify the foregoing to be a true extract from the Journal of the Senate of the State of Georgia.

WM. Y. HANSELL, *Secretary.*

CLERK'S OFFICE HOUSE OF REPRESENTATIVES,

*Milledgeville, Georgia, 10th June, 1825.*

A message was brought from Senate, by Mr. Hansell, their Secretary, informing the House that the Senate had agreed to the report of the Committee on the State of the Republic, to whom was referred the subject of the conduct of the Agent of Creek Indian Affairs, in relation to the late treaty with that nation, and, also, in respect to the murder of Gen. McIntosh and others of the Creek chiefs ; to which they desired concurrence.

Mr. Hardin then moved to concur with Senate in the original report and resolutions, as read.

Upon which motion the yeas and nays were required to be recorded, and are, yeas 64, nays 28.

I do hereby certify that the above is a correct extract from the Journal of the House.

EDWARD CAREY,  
*Deputy Clerk.*

*Milledgeville, 13th June, 1825.*

*Governor Troup to the President of the United States.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 14th June, 1825.*

SIR: In the haste of copying, the enclosed documents, forming part of those transmitted by last mail, were accidentally omitted.

I have the honor to be, &c.

G. M. TROUP.

*The President of the U. States.*

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*Mr. Hambly to Mr. Perriman.*

SIR: I have just received orders from the Agent, that Stinson must be taken and carried to him, if to be found in the Creek Nation. I wish you to take as many Indians as you think necessary, and have him taken if possible. Yours, &c.

WM. HAMBLY.

DANIEL PERRIMAN.

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*John Crowell to Little Prince.*

CREEK AGENCY, *July 25th, 1825.*

LITTLE PRINCE: George Stinson, who I had arrested for selling goods, without license, in violation of the laws of Congress, has made his escape from Doljell, and, I presume, has returned to the Creek nation. The President of the United States has directed me, in all cases, where it becomes necessary, to arrest a white man in the Creek nation, to call on the Chiefs for as many Indians as may be wanted for that purpose. I now call on you, as the head man of the nation, to order out a party of confidential Indians, and have him taken and brought to me at this place, in course of next week. I have directed Daniel Perriman to be one of the party.

If white men wish to live in the Creek nation, they must not violate the laws of the United States, in the way that Stinson has done.

About one Indian, besides Daniel Perriman, will be sufficient to bring him to this place.

I am, &c.

JOHN CROWELL.

*Agent of Indian Affairs.*

*Col. John Crowell to Col. William Hambley.*

CREEK AGENCY, August 22, 1823.

SIR : I received your letter by Kitch, giving an account of the conduct of McIntosh, relative to Stinson.

I should be glad if my business would admit of my going to Chatahoochie at present ; but I am engaged making out my accounts for the year ending 31st of this month, and cannot leave home until after that time.

I wish you to state in plain and positive terms to the Prince, that I call upon him as the head man of the Nation, to have Stinson taken and brought to me at all hazards ; if six men is not enough, send six hundred, and take him by force, if he has to destroy McIntosh and his whole establishment to effect it. Tell him it will reflect disgrace on him as the head man of the Nation, to suffer one Chief to prevent his orders from being put in execution, and this conduct of McIntosh is quite sufficient to break him as a chief. If, however, he does suffer McIntosh to protect this man in violating the laws of the United States, his Nation must suffer for it : for he may rest assured, that the Government will not put up with it, and is it possible that he will allow the conduct of one man, to do so serious an injury to his innocent people ?

If, however, he will not have this man taken, I shall adopt such steps as will ensure his arrest, and pay the expenses of it out of the annuity, even should it take the whole of it. I can get men from Georgia that will take him, by paying enough for it, and rather than not have him, I will pay every dollar of the annuity for him. I shall inform the Government of McIntosh's conduct, and the President will, no doubt, hold the Nation accountable for it.

I wish you to impress upon the mind of the Prince, the difficulties which this transaction will place the Nation in, should this man be protected by an Indian. This Nation, since the war, has acquired a good character for their good behaviour. with the President, and I should dislike for them to loose or tarnish it, by protecting a white man in violating the laws of the United States.

The receipt which I took for the annuity, and the one from Capt. Lovett for beef, has been miscarried. I enclose another, which you will get signed and return to me ; after getting the names of those about Fort Mitchell, send it by mail to Captain Walker, to be signed by the Warrior, &c.

JOHN CROWELL.

Col. WM. HAMBLEY,  
*Interpreter &c.*

*Gov. Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 15th June, 1825.*

SIR: Suffer me to call your attention to the manifest contradiction between the Agents, official exposé to you, and the defence set up by himself through the hostile chiefs, whom he assembled for the purpose, as published in the Recorder forwarded to-day.

Very respectfully,

G. M. TROUP.

Honorable JAMES BARBOUR.

*Governor Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT, GEO.

*Milledgeville, June 15, 1825.*

SIR: I transmit, for the further information of the President, the Gazettes of yesterday, and the affidavit of a respectable man, who has an intimate knowledge of the Creeks and their affairs.

Very respectfully,

G. M. TROUP.

Hon. J. BARBOUR.

AN ACT to dispose of and distribute the lands lately acquired by the United States, for the use of Georgia, of the Creek nation of Indians, by a Treaty made and concluded at the Indian Spring, on the twelfth day of February, 1825.

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the territory acquired of the Creek Nation of Indians by the United States, for the use of Georgia, as described in articles of a treaty entered into and concluded between Commissioners on the part of the United States, and the Chiefs, Head Men, and Warriors, of the Creek Nation of Indians, at the Indian Spring, on the 12th day of February, 1825, shall form and be divided into five sections, as follows, to wit: All that part of said territory which lies South of a line commencing on the Flint river, opposite where the line dividing the counties of Houston and Dooly strikes said river, and running due West to the Chatahoochie, shall form what shall be called Section the First; and the criminal jurisdiction thereof shall be attached to the county of Dooly. All that part of said territory which lies North of the line aforesaid, and South of the line commencing on Flint river, opposite where the original line dividing the counties of Monroe and Houston, and running due West to the Chatahoochie river, shall form the Second Section; and the criminal*

jurisdiction thereof be, and the same is hereby, attached to the county of Houston. And all that part of said territory which lies North of the line last aforesaid, and South of a line commencing on the Flint river, where the original line dividing the counties of Henry and Monroe strikes said river, and running due West until it strikes the Chatahoochie river, shall be, and the same is hereby, called the Third Section; and the criminal jurisdiction thereof attached to the county of Pike. And all that part of said territory which lies North of said line, and East of the Chatahoochie river, shall form the Fourth Section; and the criminal jurisdiction thereof shall be attached to the county of Fayette. And all that part of said territory lying West of the Chatahoochie river, and East of the dividing line between this State and the State of Alabama, shall form the Fifth Section; and the criminal jurisdiction thereof shall be attached to the county of Pike.

SEC. 2. *And be it further enacted by the authority aforesaid,* That each of the sections herein before laid out and described, shall be divided into districts of nine miles square, as near as practicable; the district lines running parallel to the lines dividing sections, and crossed by other lines at right angles; and said districts, so laid out, shall be again subdivided by lines to be run in like directions into square tracts containing each two hundred two and one half acres, marked and numbered according to the plan heretofore pursued under the instructions of the Surveyor General.

SEC. 3. *And be it further enacted,* That the fractional parts of surveys, which may be created by the divisions and subdivisions aforesaid, shall be reserved for public uses, and be disposed of as a future Legislature may direct.

SEC. 4. *And be it further enacted,* That one hundred district surveyors shall be appointed by joint ballot of the Legislature in one general ticket; and the person having the highest number of votes shall be entitled to the first choice of districts, and in the same order, agreeably to the number of votes each surveyor may receive; and in case of a tie between any number of surveyors, then preference in choice shall be decided by lot, in presence of the Surveyor General.

SEC. 5. *And be it further enacted,* That ten persons shall be appointed by joint ballot of the Legislature, neither of whom shall be a district surveyor, to run and plainly mark the several districts, reserves, and sectional lines, herein before directed, whose duties shall be apportioned by the Surveyor General as nearly equal as practicable; and that no ticket shall be counted unless it contains the names of ten persons.

SEC. 6. *And be it further enacted,* That no ticket for district surveyors shall be counted unless it contains one hundred names. Any person elected a surveyor, who shall fail to perform the duties of his office, as required by the provisions of this act, shall be considered as forfeiting his bond, and himself and his sureties immediately liable therefor.

SEC. 7. *And be it further enacted,* That the surveyors, respectively, shall give bond, in the sum of ten thousand dollars, to the Governor

and his successors in office, with such security as he, or a majority of the Justices of the Inferior Court of the county in which such surveyor may reside, shall approve, conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the Executive office.

SEC. 8. *And be it further enacted,* That it shall be the duty of the surveyors appointed in pursuance of this act, to make the surveys of the sections, reserves, and districts, to which they may be appointed, in their own proper person; to mark, or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise on posts, all stations and all lines which they may be required to run, for the purpose of making the surveys of their respective sections, reserves, and districts, immediately upon being required so to do by the Surveyor General; to cause all such lines to be measured, with all possible exactness, with a half chain containing thirty-three feet, divided into fifty equal links, which shall be adjusted by the Surveyor General according to the standard in his office; to take, as accurately as possible, the meanders of all water courses which shall form natural boundaries to any of the surveys; to note, in field books to be kept by them respectively, the names of the corner and station trees, which shall be marked and numbered under the direction of the Surveyor General—also, all rivers, creeks, and other water courses, which may be touched upon or crossed in running any of the lines aforesaid; transcripts of which field books, after being compared with the originals by the Surveyor General, and certified and signed on every page by the surveyor returning the same, shall be deposited in the Surveyor General's office, and become a record. And the district Surveyors shall make a return of their surveys and works within ninety days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered all lots and fractions of said district, and waters therein delineated, as the Surveyor General may direct; and also return at the same time a detached plat of each lot and fraction which said district may contain, certified and signed by such surveyor, which plat shall be filed among the records of the Surveyor General's office, and from which copies shall be taken to be annexed to grants: and said surveyors shall conform to such instructions as they may receive from time to time, from the Surveyor General, during their continuance in office: *Provided,* the same do not militate against this act. And the surveyors appointed to lay out section, reserve, and district lines, shall make return of their works to the Surveyor General within sixty days from the time they shall be required to enter upon the duties of their office, of all such surveys as shall have been made on the East side of the Chatahoochie river; and, as to the remainder of the territory, within sixty days from the notification of the running of the line between this State and Alabama.

SEC. 9. *And be it further enacted,* That the district surveyors to be appointed by this act, shall receive three dollars for every mile that shall actually be run or surveyed, as a full compensation for the du-



ties required of them by this act, out of which they shall defray the whole of the expenses incident to their offices; and his Excellency the Governor is hereby authorized and required to issue his warrant on the Treasury in favor of each of the aforesaid surveyors, upon his being called into service, to the amount of three hundred dollars, to enable him with the less delay to enter upon his duties; and the balance to which such surveyor may be entitled, shall be paid to him, in like manner, upon his producing a certificate from the Surveyor General, setting forth a performance of the work. and the amount due.

SEC. 10. *And be it further enacted*, That the surveyors who may be appointed to run section. reserve, and district lines, shall receive three dollars and fifty cents for each mile they may run and survey, as a full compensation for their service, out of which all incidental expenses shall be paid; and the Governor is required to issue his warrant on the Treasury, in favor of each of said surveyors, for the sum of three hundred dollars, upon their being called into service, and, in like manner, to pay any balance which may be due when the work is completed, and the Surveyor General shall certify the same.

SEC. 11. *And be it further enacted*, That the territory acquired as aforesaid, shall be disposed of and distributed in the following manner, to wit: After the surveying is completed, and return made thereof, this Excellency the Governor shall cause tickets to be made out, whereby all the numbers of lots in the different districts intended to be drawn for, shall be represented, which tickets shall be put into a wheel and constitute prizes. The following shall be the description and qualifications of persons entitled to give in their names for a draw or draws under this act: Every male white person of 18 years of age and upwards, being a citizen of the United States, and an inhabitant within the organized limits of this State three years immediately preceding the passage of this act, including such as have been absent on lawful business, shall be entitled to one draw; every male person of like description, having a wife or legitimate male child or children under 18 years of age, or unmarried female child or children, resident as aforesaid, or who were born and have ever since resided in this State, shall have two draws; all widows, with the like residence, shall be entitled to one draw; and wives and children, in this State, of persons who have been absent from this State three years, shall be on the same footing as to draws, as if the said husband was dead, and the title to such lots as said females or children may draw, be vested permanently in them as though they were widows and orphans; all families of orphans resident as aforesaid, or who have resided in this State from their birth, under the age of eighteen years, except such as may be entitled in their own right to a draw or draws, whose father is dead, shall have one draw; all families of orphans, consisting of more than two, shall have two draws, but if not exceeding two, then such orphan or orphans shall be entitled to one draw, to be given in in the county and district where the eldest of said orphans, or where the guardian of the eldest resides: *Provided*, That should such guardian, or such orphan or

orphans, or the eldest of such orphans, reside within the organized limits of this State, then such draw or draws shall be given in the county in which such guardian may reside, or such orphan or orphans, or the eldest of such orphans, may reside; all widows, of like residence, whose husbands were killed, or died in the service of the country, or on their return march, in the late wars against Great Britain or the Indians, shall be entitled to a draw exclusive of that otherwise allowed by this act to widows; all orphans, whose fathers were killed or died in the service of the country, or on their return march, in the late wars against Great Britain or the Indians, shall be entitled to a draw exclusive of that otherwise allowed by this act to orphans; and all men who have been wounded or disabled in the late war with Great Britain or the Indians, so they are not able to procure a competency for a support, in consequence of their wounds, be allowed one draw in addition; and they shall take the following oath in addition: I do solemnly swear, that I was wounded in the late war with Great Britain and the Indians, and am so disabled by the same, that it renders me unable to procure a support by my labor: *Provided*, That nothing herein contained shall be so construed as to entitle any person or persons to a draw or draws in the present contemplated land lottery, who may have been fortunate drawers in any previous land lottery, except such persons as have drawn land as one of a family of orphans, and who have arrived at the age of eighteen, but such person shall be entitled to one draw, and the remainder of such families of orphans shall be entitled to one draw: *And provided*, That all widows of Revolutionary soldiers shall have one draw in addition to those already contemplated by this act; and that all Revolutionary soldiers who were not fortunate drawers as Revolutionary soldiers in the late land lottery, shall be entitled to two draws as Revolutionary soldiers; and those who drew one tract of land in the former lottery as Revolutionary soldiers, one draw: *Provided*, That the citizens of this State, who come under this act as above contemplated, and who volunteered or were legally drafted in the late war against Great Britain or the Indians, and refused to serve a tour of duty, either in person or by substitute, or who may have deserted from the service of this State, or of the United States, shall not be entitled to the provisions of this act, as above contemplated, nor any of those who illegally avoided a draft, by removal or otherwise; and that no person or persons, who have removed from the organized limits of this State, for the purpose of avoiding the laws of this State, or who have absconded for debt, shall, in no wise, be benefitted by this act, and who have not paid all taxes required of them. In case any land is drawn by minors, the grant shall issue accordingly, upon payment of the usual fees: *Provided, also*, Nothing herein contained shall be construed to exclude such persons as by the provisions of this act are allowed a draw or draws.

SEC. 12. *And be it further enacted*, That any sale or transfer that any person entitled to a chance or chances in this land lottery may make of such chance or chances, or may make of any lot or lots of

land, such persons may draw before the grant or grants of the same are taken out, shall be void, and any bond or obligation or letter of attorney given by said person to make titles, shall not be binding on such person: *And further*, It shall be illegal for any magistrate, or person authorized to administer an oath, to administer an oath to any person selling his chance or chances, lot or lots, contrary to the provisions of this section. that he will make titles to the same.

SEC. 13. *And be it further enacted*, That nothing herein contained shall be so construed as to allow any convict in the Penitentiary, to give in for a draw in the present contemplated lottery: *Provided*, nevertheless, That the child or children, who have resided in this State three years, of any said convict, shall be entitled to a draw or draws, in the same manner they would be entitled if they were orphans, and may be given in for by their mother, or other person under whose care they may be, and the grant or grants shall issue accordingly to any lands so drawn: *Provided*, no such convict has drawn in any of the former land lotteries of this State in his own name.

SEC. 14. *And be it further enacted*, That lists of persons entitled to draws under this act, shall be made out by the Inferior Court of each county, or such persons as they may appoint, (not exceeding two to each battalion) within two months from the publication of this act; and said Inferior Court of the several counties of this State, or the persons they may appoint, shall attend in each captain's district, at least twice, giving ten days' notice of such attendance, for the purpose of taking the names of the persons entitled to draws; the names of the persons entitled, shall be entered by the Receivers in a book to be kept for that purpose, a transcript of which book, fairly made out, shall be transmitted to the Executive, and the original deposited with the Clerk of the Superior Court of the respective counties; and should the Inferior Court of any county fail to take in such names themselves, or to make proper appointments, by the first day of September next, then the Clerk of the Superior Court, (or his legal deputy in his absence,) in such county, may make such appointments: And said Receivers, before they enter upon their duties, shall take and subscribe the following oath: "I ——— do solemnly swear (or affirm) that I will not receive or register any name, except the person giving in shall first take the oath prescribed by this act: So help me God." Which oath any Justice of the Inferior Court, or Justice of the Peace, is hereby required to administer, and the person, or persons, taking in names as aforesaid, shall administer to all applicants for draws, other than widows, guardians, or next friends of orphans, the following oath, to wit: "I do solemnly swear (or affirm) that I am a citizen of the United States; and have resided in this State three years immediately preceding the passage of this act, except absent on lawful business, and am an inhabitant of the same; that I was eighteen years of age at the time of the passing of this act; that I have (or have not) a wife, or child, or children; that I have not given in my name for any draw or draws in the present contem-

plated land lottery in any other part of the State; that I have not drawn a tract of land in the former lotteries in my individual capacity, or as an individual orphan; and that I did not, directly or indirectly, evade the service of this State, or of the United States, in the late wars against Great Britain or the Indians." And the widows of Revolutionary soldiers shall take the following oath or affirmation, (as the case may be,) to the best of their knowledge and belief, viz: "I do solemnly swear, or affirm, that I am the widow of a Revolutionary soldier to the best of my knowledge and belief: So help me God." The following oath shall be administered to all married women entitled to draws on account of three years' absence of their husbands, as contemplated by this act, viz: "I do solemnly swear, or affirm, that my husband has been absent from this State three years; that I have resided the three last years in this State, except absent on lawful business, and am now a resident in this district; that I have not put in my name for a draw in the approaching land lottery in any other part of the State; and that I have not drawn any tract of land in the former land lotteries, either in my individual capacity, or as an individual orphan, to the best of my knowledge and belief: So help me God." The following oath shall be administered to the mother, or next friend, of any minor or family of minors, who may be entitled to a draw or draws on account of three years' absence of their father, as contemplated by the act, viz: "I do solemnly swear, that the minor, or family of minors, whom I now return, is, or are, entitled to a draw or draws under this act, to the best of my knowledge: So help me God." The following oath shall be administered to all Revolutionary soldiers, who shall apply for draws under this act: "I do solemnly swear (or affirm) that I served, as a soldier in the Armies of the United States, during the Revolutionary War, a tour or tours of duty, and am entitled to a draw or draws, according to the provisions of this act: So help me God." And all guardians or next friends of orphans, or children of convicts in the Penitentiary, shall take the following oath: "And that the orphan, or family of orphans, or the child, or children, whom I now return, is (or are) entitled to a draw or draws under this act, to the best of my knowledge: So help me God." The following oath shall be administered to all widows: "I do solemnly swear (or affirm) I am a widow; that I have resided the three last years in this State, except absent on lawful business, and am now resident in this district; that I have not put in my name for a draw in the present lottery in any other part of the State; and that I have not drawn land in the former lotteries, to the best of my knowledge and belief: So help me God." That all idiots and lunatics, entitled to a draw or draws by this act, shall be given in by their respective parents or guardians, or next friend, who shall take the following oath: "I do solemnly swear (or affirm) that the person whose name I now give in, is an idiot, or lunatic; that he is eighteen years of age, or upwards, at the time of the passage of this act, and entitled to a draw or draws under this act; that he has not drawn land in any of the former land lotteries of this State in his name, or as an individual orphan: So help me God."

SEC. 15. *And be it further enacted*, That, immediately after the passage of this act, his Excellency the Governor shall cause the same to be published in such of the public gazettes of this State, as he may think proper and shall require all persons entitled to draws to give in their names to the persons authorized to receive them, and said persons taking in said names, shall receive twenty-five cents from each of said applicants for each draw.

SEC. 16. *And be it further enacted*, That, if any person entitled by this act to a draw or draws, should, by absence or other unavoidable causes, fail to give in his name within the time herein prescribed, it shall and may be lawful for such persons to make oath of the draw or draws to which he may be entitled, before any Justice of the Inferior Court of the county in which he may reside, and make return thereof to the Executive at any time before the commencement of the drawing: and it shall and may be lawful for any person or persons, entitled to a draw or draws in said lottery, who are about leaving the State on lawful business, to take the oath prescribed by this act, and deposit the same in the Clerk's office of the county where such person or persons may reside, and their names shall be registered according to the provisions of this act: *Provided*, Such person shall swear that he intends to return and remain a citizen of this State.

SEC. 17. *And be it further enacted*, That five persons shall be appointed by joint ballot of the Legislature, to superintend the drawing of the lottery, to be convened at Milledgeville, by the Governor, when necessary, and that, wherever this act imposes duties on the Governor, Surveyor General, Surveyors, Receivers of Names, or Commissioners, such duties shall be severally performed, with as little delay as possible, consistently with a due execution of this act.

SEC. 18. *And be it further enacted*, That, as soon as said lists are made out and returned, his Excellency the Governor, for the purpose of carrying the lottery into effect, shall cause the names of persons entitled to draws, together with other designating remarks of residence. &c. to be placed on tickets as nearly similar as possible, which shall be deposited in one wheel, and the prizes or tickets of a like description, shall be deposited in another wheel, which prizes shall consist of all square lots in said territory, not herein reserved. And from each wheel, as nearly at the same time as may be, a ticket shall be drawn, and delivered to the Superintending Managers, and so on, until the whole number of prizes are drawn out, and said Managers shall make due and particular entry of the names so drawn out, and the prizes corresponding therewith; said names and prizes being first thoroughly mixed in their respective wheels. And his Excellency the Governor is required to give three weeks' notice of the commencement of the drawing.

SEC. 19. *And be it further enacted*, That, should there be more districts than are contemplated by this act, and Surveyors elected for, or in case the appointment of any Surveyor should become vacant, by death, resignation, or otherwise, his Excellency the Governor is requested to fill said vacancy. And, in case any Surveyor shall be

found incompetent, or fail to execute the duties required of him by this act, his office shall be vacant, and his vacancy filled in like manner.

SEC. 20. *And be it further enacted*, That the Surveyors to be appointed in pursuance of this act, shall, before they enter upon their duties, take and subscribe the following oath: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I am twenty-one years of age; that I will, well and faithfully, to the best of my skill and abilities, discharge the duties which may be required of me as Surveyor in the territory lately acquired: So help me God." Which oath, the Surveyor General is required to administer. The oath to be administered to Chainmen by their respective Surveyors, shall be as follows: "I do solemnly swear (or affirm) that, to the best of my skill and judgment, I will measure all lines on which I may be employed as chain-carrier, as accurately, and with as little deviation from the course pointed out by the Surveyor, as possible, and give a true account of the same to the Surveyor: So help me God." And similar oaths shall be administered by the said Surveyor to all axemen and markers.

SEC. 21. *And be it further enacted*, That the land to be distributed under the provisions of this act, shall be classed under the following heads, viz: First quality river land, second quality river land, first quality oak and hickory upland, second quality oak and hickory upland, first quality pine land, and pine land: and that it shall be the duty of Surveyors charged with the business of dividing the districts into lots, to note upon the separate plat of each lot which he is required to file in the Surveyor General's Office, the quality of each lot, according to the foregoing classes; and that all persons, who may draw lands under this act, shall be entitled to receive grants for the same, conveying fee-simple titles, on paying into the Treasury of this State, the sum of eighteen dollars; and any person drawing, and failing to take out his grant within two years from the date of said draw, shall forfeit his or her right to receive a grant to the land so drawn, and the same shall revert to the State, orphans, lunatics, and idiots excepted. And all persons who shall draw lands in the lottery authorized by this act, shall, whether the same be granted or not, pay taxes thereon, at the same rates as for other lands of similar qualities, until they shall relinquish the same to the use of the State, by writing, to be filed in the office of the Secretary of State. That all returns made contrary to the true intent and meaning of this act, are declared to be fraudulent; and all grants issued in consequence of any law made in the contemplated lottery, on such fraudulent returns, are hereby declared to be null and void; and the lands, so granted or drawn, shall revert and become the property of the State; and the question of the fraud may be tried upon scire facias, to be issued from under the hands of the Clerk of the Superior Courts of the county or counties in which the land lies, in the name of the Governor of said State, for the time being, upon the application of any individual against the tenant in possession of the land alleged to be fraudulently drawn, or against the drawer thereof, setting forth

the circumstances of fraud in said scire facias specially, and upon return of said scire facias, with an entry thereon of service effected, by any sheriff of any county of this State, by leaving a copy thereof with the person named as defendant, or at his or her notorious place of abode, or by the return of such Sheriff, that the defendant is not to be found; upon which return the court is authorized to have service perfected by an order for three months' publication in one or more of the public gazettes of this State; which rule, when duly published, shall be considered as sufficient service to authorize an issue to be made up under the direction of the court to try the question of fraud. And, in case the jury shall find the return fraudulent, the court shall, by judgment, pronounce the grant issued on such return and draw to be void, and order it cancelled; which judgment, when transmitted to the Surveyor General's office and Secretary of State's office, and entered on file there, shall be of sufficient authority to those officers to cancel the plats and grants for such fraudulent draws from their offices respectively. And the land when condemned, shall belong one-half to the State and the other half to the informer, and subject to be laid off between the informer and the State by writ of partition, to be issued under the direction of the Superior Court of the county in which the land lies; and to the proceedings of said writ of partition on behalf of the State, it shall be the duty of the Solicitors in the respective circuits to attend. And when the said lands are so laid off, the informer shall be entitled to a plot and grant for his share, upon the payment of the legal office fees: *Provided, nevertheless,* That no return made by or in behalf of orphan or orphans, shall be pronounced fraudulent until his, her, or their legal guardian shall have been made a party to the scire facias, or other discreet person appointed by the court in which the case is tried, to defend the case for the said orphan or orphans. *And provided, also,* The proceedings under this section take place within four years from the date of the drawing.

SEC. 22. *And be it further enacted,* That no case, after being commenced as aforesaid, by scire facias, shall be settled or compromised by the informer, or otherwise disposed of, to the prejudice of the State; and in case it is, said land shall be liable to be returned by any other informer, in manner above prescribed, and division made thereof accordingly.

SEC. 23. *And be it further enacted,* That no scire facias shall issue until the applicant shall have made, and deposited in the Clerk's office from which the said scire facias shall issue, the following oath: "I do solemnly swear, that, in making this information, I have no combination or understanding, directly or indirectly, with the drawer, or any other person as the friend of, or on the part of, the drawer.

SEC. 24. *And be it further enacted,* That a quantity of land on the Flint river, opposite to the old Agency, and equal in size to the reserve on the East side of the same; one mile square at Marshall's Ferry, on the Flint river, including the ferry; one mile square at M'Intosh's, on the Chatahoochie, including the ferry; and a reserve of five miles square on the Chatahoochie river, at the Cowetau falls;

and including the same, the Northern boundary to cross the river at a point one mile above the lower shoal, be, and the same is, hereby set apart for public purposes.

**JOHN ABERCROMBIE.**

*Speaker of the House of Representatives.*

**ALLEN B. POWELL,**

*President of the Senate.*

Assented to, 9th June, 1825.

**G. M. TROUP, Governor.**

*Georgia, Chatham County, }  
City of Savannah.*

Personally appeared before me, William C. Daniel, Mayor of the above named city, this day, William Barnard, of the State and county aforesaid, who, being duly sworn, deposeth and saith: That he was at the house of Colonel John Crowell, Creek Agent, at the Agency, in company with Michee Barnard, and Timpoochee Barnard, half breed Creek Indians, about three weeks after the failure of the negotiations at Broken Arrow. This failure became the subject of conversation between Colonel Crowell and the half breeds present; and the former remarked, that it had been publicly attributed to him; that, for his part, if he were continued the Agent, he would be willing to remove with them West of the Mississippi, where game would be more abundant, and which, he thought, a better country than that at present occupied by the Creeks. He further informed Michee and Timpoochee Barnard, that another treaty would be held at the Indian Springs, and that he believed McIntosh would sell the lands; upon which Michee Barnard, showing much irritation, said, that, if the lands were sold, McIntosh would be killed. Colonel Crowell then observed, that, if McIntosh was to be killed, it should be done before the lands were sold.

Upon the same, or the following day, Michee Barnard said to this deponent, that, when he returned home, he would despatch runners to the Chiefs of the Creek Nation, proposing the breaking McIntosh, before the contemplated treaty at the Indian Springs, for the purpose of defeating it.

**WILLIAM BARNARD.**

Sworn to, before me, in the city of Savannah, this tenth day of June, 1825.

**W. C. DANIEL, Mayor.**



*Copy of a letter from C. Vandeventer, in the absence of the Secretary of War, to Governor Troup.*

## DEPARTMENT OF WAR,

June 15th, 1825.

SIR: Your letter of the 3d instant, to the Secretary of War, has been received, and submitted to the President of the United States, who directs me, in the absence of the Secretary of War, to say, in reply, that, if the Government of Georgia should undertake the project of surveying the lands ceded to the United States by the Creek Nation of Indians, at the Indian Springs, before the expiration of the time specified by the 8th article of the treaty for the removal of the Indians, it will be wholly upon its own responsibility; and, that the Government of the United States will not, in any manner, be responsible for any consequences, which may result from that measure.

I have, &amp;c. &amp;c.

C. VANDEVENTER.

His Excellency GEO. M. TROUP,  
Governor of Georgia, Milledgeville.

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*Copy of a letter from C. Vandeventer, in the absence of the Secretary of War, to General Gaines.*

## DEPARTMENT OF WAR,

15th June, 1825.

SIR: In the absence of the Secretary of War, I am directed by the President of the United States, to transmit to you, for your information, the enclosed copy of a letter addressed to the Governor of Georgia, and to say that, pending the adjustment of the difficulties existing in the Creek Nation, and between a part of that Nation and the Government of Georgia, you will retain the troops of the United States which may have been marched, or shall be marched, in conformity to orders which have been given to you, as near the scene of operations as the convenience of their supply, and a regard to their health will justify; and, if the survey of the Territory still occupied by the Indians, should be undertaken by the Government of Georgia, you will give, on the part of the United States, no assent or co-operation to that measure whatever; but, under any consequences which may result from it, confine your operations to the protection of the people of Georgia, should it be required, within the Territory already

in their possession, and against any possible hostile incursions of the Indians.

I have, &c.

C. VANDEVENTER.

Major Gen. E. P. GAINES,  
U. S. Army, Milledgeville, Geo.

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*Letter from Gen. E. P. Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
Milledgeville, Geo. June 15, 1825.

SIR: I arrived at this place on the night of the 12th of this month, and, on the following morning, received from Major Andrews, your letters of instructions, dated the 18th and 20th of May, 1825.

I have taken measures to hold a conference with the party of the unfortunate General McIntosh, on the 20th, at the Indian Springs; and with the Chiefs of the Nation at the Agency, on the 25th of this month, and, I have reason to hope, that my efforts to adjust the existing differences will not be unavailing: for, I have not a doubt, that the Chiefs and Warriors of the Nation, with but few exceptions, earnestly desire to avoid every kind of hostility, internal and external, as they are well aware of the fatal consequences to the Nation, that must result from a war, in which they have every evil to apprehend, and nothing to hope for. I am under the impression, that war will be avoided, unless it is produced by a union of the worst of men, *white and red*, who we view as our friends.

I enclose, herewith, copies of a correspondence with Governor Troup. No. 1 to 4, inclusively.

I had declined writing, until a few minutes before the time for closing the mail, in the expectation of hearing from the frontier, in which I am disappointed. I therefore write in haste.

With perfect respect, &c.

E. P. GAINES.

To the SECRETARY OF WAR.

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Enclosure No. 1.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT, GEO.  
Milledgeville, 13th June, 1825.

SIR: In the course of the desultory and informal communication with you of to-day, my desire was intimated, that the line between

this State and Alabama, should be run as early as possible; and I requested the favor of you, to make known to your Government this desire, and without delay. A letter will be immediately despatched to the Governor of Alabama, to apprise him of the resolution of the Government of Georgia to run that line, and to ask his consent and co-operation. If that concert and co-operation be refused, we proceed to run the line without them; as we will also proceed, in due time, to make the survey of the lands within our limits, disregarding any obstacles which may be opposed to that survey, from any quarter. You will see, therefore, how highly important it is, that, upon these points, the two Governments should understand each other immediately.

With great respect, &c.

G. M. TROUP.

Major General GAINES.

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Enclosure No. 2.

*Governor Troup to Captain Harrison.*

HEAD QUARTERS, MILLEDGEVILLE,

10th June, 1825.

SIR: In carrying into effect the orders of Major General Wimberly, under my general order of the 7th instant, you will be careful to act strictly on the defensive, until circumstances shall arise to justify an opposite conduct. If, therefore, upon your arrival at the frontiers, you find, that the Indians have not proceeded to acts of violence or outrage, you will endeavor to pacify them by the assurance, that your presence there is not for the purpose of making war upon them; but to protect our people, and others within our limits, in their persons and effects, against any assaults or inroads upon either; and to chastise those who shall be mad enough to attempt them. If, on the contrary, you shall discover that they have already committed acts of hostility of unequivocal character, you will treat them, in all respects, as enemies, pursuing them, if necessary, into the country occupied by them, and punishing them there. Should they have merely committed depredations on the property of our people, whilst you take the proper measures to recover what has been taken, you will remember, that our jurisdiction is established, and the criminal laws extended over the country; so that offenders can be seized and brought to justice in the ordinary manner. Indeed, for every purpose, but more especially considering that these deluded men are objects more of pity than of resentment, it is important that, finding them in the wrong, you will endeavor to keep them so. You will take the earliest occasion to inform yourself correctly of the actual state of things in that quarter, so that you may communicate with me immediately by express. If, in the mean time, farther informa-

tion should be received, making it expedient to do so, three companies or more of Infantry or Riflemen will be marched to your support. Money is advanced for the subsistence of your corps, which you are charged to expend to the best possible advantage for the public, taking the proper vouchers and receipts, both for our own satisfaction, and to enable us to charge the General Government with the amount.

If, on your arrival, you shall discover the frontiers tranquilized, you will immediately return; otherwise, you will co-operate to the best advantage, with any force you may find embodied there.

Very respectfully,

G. M. TROUP.

To Captain JAMES HARRISON.

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Enclosure No. 3.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 14th June, 1825.*

DEAR SIR: It may be important to you to know, before you communicate with your Government, or proceed to meet the Indians in Convention, that the laws of Georgia are already extended over the ceded country, and, of course, that it is my bounden duty to execute them there. The statutory provisions on this subject will be found in the papers of the morning, and in the act, entitled "An act to dispose of and distribute the lands lately acquired," &c.

With great respect, &c.

G. M. TROUP.

Major General GAINES.

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Enclosure No. 4.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Milledgeville, Geo. June 14, 1825.*

SIR: In reply to your Excellency's letter of yesterday's date, I have to observe, that, although it is not my purpose to enter into the discussion of any matter of controversy between the Government of Georgia and the United States, not immediately connected with the duties confided to me; yet, perceiving as I do, upon this occasion, a direct collision between the views of your Excellency and those embraced in my instructions from the Department of War; a collision tending to produce much embarrassment in our Indian relations, and which the interests of the General and State Governments equally require should be obviated; I deem it proper to address you on the

subject. Your letter, which I shall refer to the Department of War, announces your intention to cause the line to be run between this State and Alabama, and to survey the public lands within the late ceded Territory. Upon the last mentioned subject, I am distinctly authorized to state to the Indians, that the President of the United States has "suggested to Governor Troup the necessity of his abstaining from his entering into and surveying the ceded land, till the time prescribed by the treaty for their removal." There is, perhaps, no principle of natural or national law better established or more universally admitted, than that the contracting parties to a treaty possess the right, and, in a case like the one in question, the exclusive right, of expounding and carrying into effect the treaty. The decision of the President, in this case, must govern me, in my intended conference with the Indians; and this conference must necessarily take place, before the subject can be submitted to the President: nor, is it probable, that, if it were again submitted, it would undergo any change. I cannot, therefore, but express the confident hope, that your Excellency may see the propriety of abstaining from the proposed surveys, both of the boundary line, and of the land within the late ceded Territory, until the period arrives, at which the removal of the Indians is required. In the expression of this hope, I am actuated by no other feeling, than that of an earnest desire to devote my best efforts towards an amicable adjustment of the existing differences with the Indians, upon just principles, regarding the interests of the State, as, in all respects, the same as the interests of the Union or General Government. They are in fact the same; as different parts of one great animated body, through which the vital principle of life must circulate with equal freedom, affording equal health and vigor to each, as essential to the preservation and efficiency of the whole body politic.

Respectfully, &c.

EDMUND P. GAINES,

*Maj. Gen. U. S. A.*

His Excellency, Gov. TROUP.

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*Major Andrews to the Secretary of War.*

CREEK AGENCY, FLINT RIVER,

June 18, 1825.

SIR: I have the honor to report, that, on Sunday night last, the 12th instant, General Gaines arrived at Milledgeville. I delivered, next morning, the despatches with which I was charged for him; on the same day, I addressed a note to his Excellency the Governor of Georgia, stating that I was then only detained at Milledgeville, to receive the documents and evidence referred to in his letter of the 31st of May, preferring charges against the Indian Agent. I received that night, from the Governor, a copy of the evidence taken before the Committee of the Legislature; but have not yet received a copy of the documents: I however left Milledgeville the next morning, the

14th, the Governor having promised to forward me a copy of the documents as soon as possible. On getting into the stage, I received from the Secretary of the Governor, the enclosed letter, dated the 14th instant; from which you will perceive that his Excellency dwells, in emphatic terms, on the importance of suspending the Indian Agent, *as the only means of obtaining correct information in the nation.* The Governor contends strongly, that so long as the Agent is in authority over the Indians, unbiassed information cannot be expected from either the Indians or the white men and half-breeds in the nation! Although I do not enter into the opinions of his Excellency, on this point, yet, as the only object of the General Government is, as he very justly remarks, "the ascertainment of truth," I feel disposed to do away every obstacle which might, by any possibility, or in the opinion of his Excellency, prevent the accomplishment of that object. I shall, therefore, (unless General Gaines, who will be here in a few days, advises a contrary course on account of the Indians,) suspend the Agent from the exercise of his functions. But, as that suspension, if it takes place, will be the result of a disposition to comply with the present wishes of the Governor of Georgia, so strongly and repeatedly urged on me, and *to destroy any pretext, which might hereafter be seized on to weaken the force of my report to the Government,* if it should not meet the views of the authorities of Georgia; and will not proceed from any present impressions of the guilt of the Agent, or any real necessity for the measure. I shall withdraw that suspension, so soon as the examinations of testimony are over, provided my opinion, after mature deliberation, is decidedly in favor of the innocence of the Agent. Should a contrary impression exist in my mind after the examinations are closed, his suspension will of course be continued.

Immediately after the ratification of the treaty, the confidence of the Creek Nation in the Indian Agent, was greatly impaired by the fact of his signing, as a witness, the treaty which they view as an instrument of the most cruel injustice; for some time, although he never was in personal danger, their confidence was withdrawn from him. But, having ascertained that he merely signed the treaty as a witness, and had, at the same time, written an official letter to his Government, giving his reasons why that treaty ought not be ratified, their confidence (with the exception of McIntosh's party, which is small,) was fully restored. Although I do not think that a short suspension of the Agent, during the examinations of testimony, (as it would be fully explained by General Gaines to the Indians,) could produce any ill effects on the Indians or the interests of the Government, particularly, whilst General Gaines and myself remain near them; yet as the Sub-agent has not been long appointed, I shall consider it *necessary*, that the Agent be immediately restored after the examinations, provided they result in his acquittal; indeed it would be due to Col. Crowell, in *that event*, as an act of justice of the most sacred character. I have therefore to solicit of the Department, particular instructions for my government, as to the course I propose to pursue, and in either result of the examinations of testimony.

I will forward you by the next mail (three days hence) copies of some further correspondence between the authorities of Georgia and myself, which are, or may become, necessary to a correct understanding of matters connected with my mission.

Gen. Gaines will attend a full meeting or council of the Creek Nation, at Broken Arrow, on the 25th instant; I shall also be present for the purpose of taking testimony.

I take the liberty of remarking to the Department, that General Gaines had possessed himself, before his arrival at Milledgeville, of the most correct and general information, as to the state of affairs in this quarter. Since the arrival of the General at Milledgeville, I have considered my duties as confined to the single object of examining into, and reporting on, the conduct of the Indian Agent; and I take this occasion to remark, that, although it will be a laborious task, and one which will necessarily require some time for its completion, no delay shall take place which can possibly be avoided.

I am &c.

T. P. ANDREWS,  
*Special Agent.*

Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

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Enclosure in Major Andrews's letter to the Secretary of War.

*Governor Troup to Major T. P. Andrews.*

EXECUTIVE DEPARTMENT,  
*Milledgeville, June 14, 1825.*

SIR: In the conversations held with yourself and General Gaines, in relation to the objects of your mission, you were pleased to express a desire to receive from myself any views or suggestions, which might usefully contribute to the results which were most desirable. These in passing have been hitherto frankly given. As it is determined that one or both of you will proceed to attend the convention of the Indians about to be holden at Broken Arrow, and the Indian Springs, it becomes my duty to disclose to you, in a special manner, the opinions entertained of this first and most important movement, so that, if miscarriage follow, the Councils of Georgia will share in no degree the responsibility of that miscarriage. It is known to be one of your objects to elicit from the convention, the truths connected with the late and present disorders in the Nation; a development which the Councils of Georgia cannot fail to regard with very deep concern. It has been more than once asked of you, therefore, if preparatory to this movement, it did not seem to you as indispensable to suspend the Agent from his functions, under the authority vested in you, by your Government? The answers given, have been received with pain and regret, because they indicated an intention to forbear the exercise of the power, at least for the present, whilst it is

plainly foreseen, that the present is the only moment at which the exercise of it would be of any value to you or to us, in the fulfilment of the objects of your mission, and for this very obvious reason : the Agent, in virtue of his official power, exercising a controlling influence over one portion of the nation, has already assembled that portion ; and you see, in the morning's paper, by what a formidable and imposing array of Chiefs, he stands exculpated and acquitted. Now sir, I appeal to your good sense to inform me, of what avail will be the contemplated convocation and catechising of the Indians ; the Agent holding to his commission, and wielding his accustomed powers ? Is it to be believed, that, under like circumstances, they will reconsider their minutes and utter their verdict ? Not so ; in matters even of this kind, they have sagacity and shrewdness, and a decent regard for the opinions of the world. Not doubting that your object is the ascertainment of truth, it is hoped that you suffer no obstacle to impede your course to it ; the most formidable of all, stands directly in your way. 'Tis impossible, that the faintest ray of light can reach you, when it is known, that, in despite of all that has transpired of crimination, of investigation, of evidence, and of exposure, the Agent is present to them in his robes of ermine, yet sustained by the Government of the United States, as if his purity were spotless, and his name unsullied ; the same in authority as he has always been ; the same whom they behold in prospect, to be their leader through new trials, their counsellor in evil times, and the supreme director of their destinies in all times ; can it be presumed, that, under such circumstances, the Indians will speak to you without restraint ? The documents of incontestible authority placed in your possession, prove to you that they will not. No, Sir, the way to the accomplishment of the ends of your mission is open ; suspend the Agent ; make atonement to the friends of McIntosh, for the blood shed by the guilty instruments of white men ; restore the friendly chiefs to their political rank and power ; and, my word for it, you will find truth, and enough of it for every purpose ; peace, reconciliation, and union.

With respect, &c.

G. M. TROUP.

Maj. T. P. ANDREWS,  
*Special Agent.*

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*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Indian Springs, June 22d, 1825.*

SIR : I arrived at this place the 17th of this month, and have since occupied myself in efforts to ascertain the actual condition and intentions of the friendly Indians. I have endeavored to impress them with the views embraced in your instructions, and to prepare them for an adjustment of their differences with the strong party of the nation opposed to them.



Their losses and their misfortunes, generally, have been, in most respects, such as they were represented to be by Chilly McIntosh and his associates, from whom you have heard.

I have accepted proposals for subsisting these Indians at the several places they at present occupy on this frontier, at 12½ cents a ration, until their differences are settled; and have paid \$2,700, being something more than three fourths of the amount of rations already issued to them. The vouchers will be transmitted to the Subsistence Department forthwith.

I have, moreover, paid to Joseph Marshall, the *Peace Chief*, and Chilly McIntosh, the *War Chief*, the sum of \$2,000, to enable them to provide for the sick, naked, and distressed old men, women, and children of their people, driven from their homes by the party opposed to them; and for this sum I have taken their acknowledgment, accountable to the United States, the amount to be deducted from any money that may be due to them or to their people. (See the enclosure marked O.) The enclosure, herewith, marked B has been handed to me as the talk of the Chiefs of these Indians, in reply to my address; a memorandum of which is enclosed, marked A.

I cannot, however, refer to that paper as the actual reply of the Chiefs. Joseph Marshall, the principal Chief, as well as Chilly McIntosh, speak English tolerably. Indeed, J. Marshall is one of the best interpreters in the nation. I have conversed with these Chiefs frequently and freely, and they both expressed a desire to comply with the wishes of the President of the United States. They expressed no such dissatisfaction as that set forth in the paper in question, with the exception of two subjects, upon which I find they have manifested much feeling and apparent firmness of purpose. They insist on a rigid measure of retaliation; they demand the lives of Chief for Chief, and warrior for warrior, for their fallen friends; and they claim and insist upon the \$200,000 being paid to them, as the "emigrating party" referred to in the treaty. Their letter was written by a lawyer of this place, whom I have cautioned against such mischievous interference. The letter evinces much of the tone and tenor of the *political* essays of a State political party, to which the writer is said to belong; the pressure of some of the leading members of which party, upon our Indian affairs, tend much I apprehend, to counteract the desired adjustment of differences between the Indians.

I have now to lay before you and solicit your attention to another correspondence between Governor Troup and myself, herewith enclosed, numbered 1 to 4, inclusively.

In this correspondence you will find that I have scarcely attempted to enter the field of controversy thrown open by his Excellency. I was, in truth, unwilling to say much, lest I might say *too much*; and I was too much occupied with the more immediate duties of my profession, to embark in such a controversy as extensively as I might possibly have embarked upon this occasion. I am, moreover, decidedly of the opinion, that the Governor's merits are, in fact, practically

more prominent than the style and apparent temper of his writing would indicate. Some of his official letters are no doubt intended to produce an effect upon subjects not expressly referred to.

I am just now ready to mount my horse for the Broken Arrow, Chattahouchie.

With the greatest respect, &c.

EDMUND P. GAINES,  
*Major General by brevet.*

The Hon. JAMES BARBOUR,  
*Secretary of War.*

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Enclosure O.

We acknowledge to have received of Major General Gaines the sum of two thousand dollars, to enable us to provide for the sick, naked, and distressed old men, women, and children, of our people, driven from their homes by the hostile party of Creeks opposed to them; for which sum we are jointly and severally accountable to the United States, to be deducted from any money that may be due to us and our people.

Given under our hands and seals, this 21st day of June, 1825, at Indian Springs.

JOSEPH MARSHALL,  
CHILLY McINTOSH.

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*Letter from Major Andrews to the Secretary of War.*

CREEK AGENCY, FLINT RIVER,

June 22, 1825.

SIR: I had the honor to address you, on the 18th instant, from this place, and to state, that I would forward, by next mail, copies of some further correspondence between the authorities of Georgia and myself, which are, or may become, necessary to a correct understanding of the matters connected with my mission. I accordingly do myself the honor to enclose you that correspondence.

The day after my arrival at Milledgeville, I received the enclosed note (No. 1) from his Excellency Governor Troup, introducing to my acquaintance its bearer Col. J. H. Lumpkin, his aid-de-camp, a gentleman of respectability and talents, the warm friend of Governor Troup, and who had avowed himself, openly, in debate in the Legislature, to be the accuser of the Indian Agent: I had, in this interview, a desultory conversation with Colonel Lumpkin, in which he took occasion to suggest the immediate suspension of the Indian Agent.

The conversation resulted in my referring him to my letter of the 31st May, to the Governor, as containing a reference to what must be considered as preliminary to the suspension.

On the 3d of June, I received from Colonel Lumpkin the enclosed letter, (No. 2,) accompanied by the evidence, so far as it had been, at that time, taken by the committee. Not feeling myself at liberty to act or form opinions on papers, not placed officially in my possession, for the use of the Department, I returned the documents and evidence, in an hour or two, to Col. Lumpkin. You have a copy of my note (No. 3) returning the evidence. A day or two after returning the documents to the committee, Col. L. called on me, and, in a long and still more desultory conversation, he urged, with a great degree of earnestness, the suspension of the Indian Agent. This conversation, as the preceding one, resulted in my referring him to the only circumstances which would justify the resort, and again to my letter of the 31st May, to his Excellency the Governor.

On the 8th, I received from Governor Troup his letter of that date, (No. 4.) A copy of my reply (No. 5) you will find enclosed. On the same day, I received from Col. Lumpkin the enclosed letter, (No. 6,) a copy of my answer to which, will be found (No. 7) enclosed.

I do not know that this correspondence can be of other importance than to explain what has preceded, and what may follow it. But, as as it may be useful in that respect, I have concluded to transmit it.

In addition to the foregoing correspondence, I do myself the honor to send you, enclosed, a copy of my letter to his Excellency the Governor of Georgia, (No. 8,) dated the 18th instant, in answer to his communication of the 14th, which I yesterday forwarded, as well as a copy of my letter of the 21st to the Indian Agent, (No. 9,) suspending him, for a time, from the exercise of his functions.

I have the honor, &c. &c. &c.

T. P. ANDREWS,  
*Special Agent.*

To the Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

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Enclosure No. 1.

*Note from Governor Troup to Major Andrews.*

Governor Troup's compliments to Major Andrews—takes pleasure in introducing to him his friend and aid-de-camp, Col. Lumpkin.  
*Tuesday, P. M.*

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Enclosure No. 2.

*Letter from Col. Lumpkin to Maj. Andrews.*

MILLEDGEVILLE, June 3, 1825.

SIR: As to the examining member of the Joint Committee on the State of the Republic, which has under its investigation the late disturbances in the Creek country, I have thought proper to lay before

you, through its Clerk, Mr. Hill, all the documents and the testimony, so far as it is disclosed. Please inspect the papers, and make such extracts and copies as you may consider material to the object of your mission.

With consideration, &c. &c. &c.

J. HENRY LUMPKIN.

Major ANDREWS.

Received in the morning of June 3d, 1825, and same day returned all the papers to Col. Lumpkin.

T. P. A.

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Enclosure No. 3.

*Major Andrews to Col. J. H. Lumpkin.*

MILLEDGEVILLE, GEORGIA,

*June 3d, 1825.*

SIR : I had the honor to receive by Mr. Holt, your note of this date, and certain documents and testimony now before the Joint Committee on the state of the Republic, of the Legislature of Georgia, relating to the late treaty with the Creek Indians, and the disturbances in the Creek country.

I thank you for the opportunity which your politeness has afforded me of giving those documents and evidence, as I have, a cursory examination, and have the pleasure to return them herewith to you. In order that they may be deemed and acted on, as official papers, I would thank the proper authorities for authenticated copies of all such papers as they may wish to furnish me with, or lay before my Government, as soon as they can be conveniently furnished.

I have &c. &c. &c.

T. P. ANDREWS,  
*Special Agent.*

To Col. J. H. LUMPKIN,

Examining Member of the Joint Committee  
of the Georgia Legislature on the State of the Republic,  
Milledgeville.

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Enclosure No. 4.

*Governor Troup to Major Andrews.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 8th June, 1825.*

SIR : I will thank you to inform me, if, in a conversation held at my request with Colonel Lumpkin, you stated to him that the evidence submitted to you, did not furnish even probable cause to suspect

the Indian Agent as guilty under the charges exhibited against him in my letter of the 31st.

As I intend to communicate immediately with your Government on this subject, I wish you to be very particular in the answer you may think proper to give, that the possibility of mistake or misapprehension may be avoided.

Very respectfully,

G. M. TROUP.

Major ANDREWS,  
*Special Agent, United States.*

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Enclosure No. 5.

*Major Andrews to Governor Troup.*

MILLEDGEVILLE, GEORGIA,

June 8th, 1825.

SIR : I am honored by the receipt of your note of this evening.

Colonel Lumpkin has misapprehended my remarks greatly, for I feel satisfied he is incapable of misrepresenting them, if he supposes I had formed any opinion as to the guilt or innocence of the Indian Agent, or would form one, until I was placed in possession, in an official manner, of all the evidence to be obtained from every quarter, and had thoroughly examined it. The conversation I had the honor of holding with the Colonel, which, it appears, was at the request of your Excellency, was long and desultory. I can only, at this time, recollect the result, viz : that, until I was furnished, officially, with the documents and evidence referred to in the latter part of your Excellency's letter of the 31st ultimo, I did not consider myself at liberty to form any opinion, not even as to the propriety of a suspension of the Agent.

I beg the attention of your Excellency to my letter of the 31st of May, by which you will perceive I expected to be able to furnish the Agent, in case his suspension was decided on, with a copy of the charges and specifications made against him, immediately on his being suspended, that he might be "enabled to defend himself before his Government with as little delay as possible." and that his suspension would also depend on the present state of excitement among the Indians. This course your Excellency will do me the justice to believe, is in strict accordance with the instructions of my Government.

I have delayed all proceedings, (even to a formal acknowledgment of the receipt of your letter of the 31st ultimo,) waiting to be furnished with the documents and evidence promised in it; so soon as I shall be honored by its receipt, (if Gen. Gaines shall have arrived,) I will proceed to execute the intentions of the President, as made known to your Excellency.

I remain, &c. &c. &c.

T. P. ANDREWS,  
*Special Agent.*

To His Excellency G. M. TROUP,  
*Governor of Georgia, Milledgeville.*

Enclosure No. 6.

*Colonel Lumpkin to Major Andrews.*

MILLEDGEVILLE, June 9, 1825.

SIR : Since my interview with you on last evening, I have deemed it necessary, both in justice to yourself, and for my own satisfaction, to recapitulate to you, concisely, the substance of a conversation which I had the honor of holding with you a few evenings since. When pressing on you the propriety of suspending the Agent, as a preparatory measure, without which the Government could not reasonably expect to obtain the truth by any course of investigation, I understood you distinctly to say, that you could not justify yourself to your Government for such a proceeding; and you added, that what you had yet seen or heard, could only amount to a mere suspicion of guilt, and certainly did not furnish even probable cause for suspending the Agent. You adverted then to the grounds on which the Agent sought to justify himself in opposing the treaty, namely: that it had been negotiated and concluded in a manner different from, and inconsistent with, that observed heretofore on similar occasions. To which it was replied, that, if defective, as complained of by Colonel Crowell, that the cause was to be found in his own untiring hostility to the interests of Georgia. The conversation being desultory, I have not a perfect recollection of the whole of it.

With respect, &amp;c. &amp;c. &amp;c. &amp;c.,

JOSEPH HENRY LUMPKIN.

Maj. T. P. ANDREWS,  
*Special Agent,  
 Milledgeville.*

Enclosure No. 7.

*Major Andrews to Colonel Lumpkin.*

MILLEDGEVILLE, June 9, 1825.

SIR : I am favored with your note of this morning. You understood me correctly to say that I could not justify myself to my Government for suspending the Indian Agent, unless I was furnished with the specifications and evidence to present them to him, that he might be enabled to defend himself with as little delay as possible; and until I had visited the Indian nation to ascertain whether his suspension would have an injurious effect on the Indians, or the interests of the Government. You also understood me correctly in saying that I viewed the evidence, which I had been able merely to look at, as amounting to suspicion only; but as that evidence was only loaned me, and detained for a short time, I had not felt myself at liberty to take up a settled opinion, or to act on it. In saying as you did frankly that the evidence was *ex parte* altogether, I considered you as expressing the same opinions. Your further impressions as to my observations on the Agent's case, and as to particular expressions, arise, I assure you

from misapprehension as to their import. My remarks on the circumstances attending the formation of the treaty were incidental, being elicited by your observations, and confined to the statements of the Agent, as to his opinions of those circumstances.

The liability of mutual misapprehensions being great, in all conversations which involve numerous points of discussion, I trust you will not consider me as wanting, in any degree, in that confidence or respect which is due to your character and talents, in stating, that I should greatly prefer any communications which I may have the honor of holding, on official matters, being in writing.

With high respect, &c. &c. &c.,

T. P. ANDREWS, *Special Agent.*

Col. J. H. LUMPKIN,  
*Milledgeville.*

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Enclosure No. 8.

*Major Andrews to Governor Troup.*

CREEK AGENCY, FLINT RIVER,

June 18th, 1825.

SIR: I have the honor to acknowledge the receipt of your Excellency's letter of the 13th inst. accompanied by a copy of the evidence against the Indian Agent, taken before the Committee of the Georgia Legislature. I have not yet received an official copy of the documents promised in your letter of the 31st of May, and take the liberty of urging your Excellency to furnish me with them as soon as possible. I avail myself of this opportunity, to call the attention of your Excellency, in an especial manner, to the necessity of furnishing the Agent of the General Government, as speedily as possible, with any additional testimony which you may wish to offer against the Indian Agent: I hope to get through the examination of the evidence offered, and to be offered, by the Indian Agent, to rebut that with which I have already been furnished, in about three weeks: the urgency, indeed necessity, of having any additional testimony which may be offered against him, by that time, or as soon thereafter as possible, will be apparent, as a fair examination must form the wish of your Excellency, as it does that of the President of the United States, and of the Secretary of War.

I have to acknowledge, also, the receipt of your communication of the 14th instant, which was handed to me at the moment of my departure for this place from Milledgeville. I am, perhaps, unfortunate, in entertaining different opinions of the matters to which it relates; and particularly as to the importance, the justice, or necessity, of suspending the Agent under present circumstances. After an attentive examination of the testimony taken by the Committee, and some already shewn to me by the Agent, and, as no specifications have been presented, I do not think that the suspension is demanded on the grounds contemplated in my letter of the 31st of May, and by

the Government. I did think, the determination of the General Government, and of its Agent, being, as your Excellency has very justly remarked, "the attainment of truth," that the presence or absence of the Indian Agent, at any place, or under any circumstances, would be immaterial in the fulfilment of that determination. I had a hope, also, that, as your Excellency is seen to speak in doubting language of all guilt in that Officer. In your message of the 3rd inst. being after the date of your charges against him; that, as he has been acquitted, generally, of one of the charges, by the adopted report of the Legislature; having still the appalling influence and power of the Executive and Legislative branches of one Government against him, and that, too, on testimony avowedly *ex parte*; that he would not have to complain, during his trial, of any acts on the part of another, which might appear to partake of oppression.

Your fixed opinion as to the necessity of his suspension, and the manner in which that opinion is communicated, will compel me to that course, in courtesy, and to convince your Excellency and the people of Georgia, that the General Government is determined not to suffer even a supposed difficulty to be in the way, and to leave no course untried which may elicit the free unbiassed testimony of all persons. This, even towards a man, who, so far as the investigation has been pursued by the authorities of Georgia, has not been "*informed of the nature and cause of the accusation*, or, "*confronted with the witnesses against him, or had compulsory process for obtaining witnesses in his favor*," as required by the sacred instrument which guards the right of all, even the most humble.

I observed before leaving Milledgeville, that parts of the testimony taken before the Committee of the Legislature, had been published in the newspapers; and it was currently reported the balance was to be shortly made public. The Indian Agent being an Officer of the General Government, I presume, (and from expressions in the report adopted by the Legislature,) that the main object of the examination was to place the General Government in possession of the evidence. If such is the fact, your Excellency will not, I feel assured, think it improper in me, as the Agent of the Government, to remark, that I trust you will consider it as due in courtesy to the General Government, and in justice to the party accused, that the evidence taken by the Committee, and now in the official charge of your Excellency, avowedly *ex parte*, should not be spread before the public, and public opinion thereby forestalled, before the Agent has had an opportunity of defending himself, or the General Government an opportunity of examining the evidence adduced by either party. The frankness which your Excellency has uniformly invited, emboldens me to make this suggestion for your consideration.

With respect, &c. &c  
T. P. ANDREWS,  
*Special Agent,*

To His Excellency GEORGE M. TROUP,  
*Governor of Georgia, Milledgeville.*



Enclosure No. 9.

*Major Andrews to Col. Crowell.*

CREEK AGENCY, FLINT RIVER,

June 21st, 1825.

SIR: You have been advised of the measures heretofore taken by the President of the United States, and the Secretary of War, in relation to the charges, specific and implied, made against you, as Indian Agent.

I have now to inform you that a suspension from the exercise of your functions as Indian Agent, (until all the testimony to be collected in the Indian Nation has been obtained and examined,) has been decided on. I herewith send you a copy of the evidence collected by a Committee of the Georgia Legislature, and their report, as adopted by the Legislature. Copies of other documents, promised me by the Governor of Georgia, shall be furnished you as soon as those documents are received. You will accordingly turn over the Agency to the Sub-Agent, Capt. Triplett.

In resorting to the discretionary power vested in me by the President, I feel it due to you to state frankly, that this determination does not proceed from any present impressions unfavorable to your innocence. I am not at liberty, in my present peculiar situation, to form a settled opinion on the charges made against you, until all the evidence to be collected from every quarter, has been received, and carefully examined. But I feel it due to you to say, that, so far as I am at liberty to take up a present impression, it is in favor of your integrity and honor. I feel it due to you to make this statement, in consequence of the course (which must be considered an unjust one, if not oppressive) pursued towards you by the authorities of Georgia; my impressions, too, being chiefly grounded on the ex parte testimony taken against you.

Your suspension is made from courtesy to the authorities of Georgia, who have repeatedly and urgently demanded it, on the ground that it would be impossible to elicit unbiassed testimony in the Indian Nation, whilst you are in the exercise of your functions. It is done, too, from a desire to do away all pretexts which might, otherwise, hereafter, be seized on to destroy confidence in the results of the examinations. The suspension will be withdrawn so soon as these examinations are concluded, should they result in establishing your innocence.

As the object of the General Government, in this examination, is the ascertainment of truth, it could not but give me pain, as its Agent, to find that, in taking testimony against you, all the usual pre-requisites were lost sight of by the authorities of Georgia. You were neither "informed of the nature and cause of the accusations," or confronted with witnesses against you, nor had you "compulsory process for obtaining witnesses in your favor." The evidence on which the harshest opinions

have been formed and expressed, was not only *ex parte*, but it has been spread before the public, in the newspapers, before you had been informed of its character, or had an opportunity of making your defence; and public opinion, thereby, forestalled, before the General Government, under which you hold your appointment, has had an opportunity of examining the testimony of either party. The course which you have determined to pursue, as made known to me, in the copy of your letter of the 20th, to the Commissioners appointed by the Governor of Georgia, to take further evidence against you, in inviting them to be present at the examination of your voluntary witnesses, is of an opposite character, and cannot fail to strengthen the belief of your conscious innocence.

It is scarcely necessary to add, that, in the exalted character of the President of the United States and the Secretary of War, you have the surest guaranty of a fair trial, and a just decision on it.

Very respectfully, &c. &c. &c.

T. P. ANDREWS,  
*Special Agent.*

To, Col. JNO. CROWELL,  
*Indian Agent, Creek Agency.*

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*Governor Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT, GEO.

*Milledgeville, 22d of June, 1825.*

SIR: The enclosed memorandum of testimony, which Col. White, of Florida, Delegate from that Territory, may be able to furnish, is forwarded, that you may avail yourself of it by his presence there. The well known character of Col. White, if he can give you this testimony, will render any further trouble, on this part of the subject, unnecessary. If he should have left Washington, be pleased to request him to forward to you his affidavit, and permit me to ask the favor of you to transmit a copy of it to this Department.

With great consideration and respect,

G. M. TROUP.

The Hon. J. BARBOUR.

Memorandum enclosed in Gov. Troup's letter.

In Milledgeville, Col. White heard Hawkins ask Crowell about the death of his brother, saying that he had heard that Crowell had said that he (Hawkins) was killed in conformity with the law of the nation. Crowell said, he did not know that they had such a law. Hawkins replied, that he (Crowell) knew very well that there was no such law; and, if there was such a law, it was his duty to have known it.

*The Secretary of War to Gov. Troup.*

DEPARTMENT OF WAR,

June 25th, 1825.

SIR : The President of the United States, directs me to inform you that he has received your letter of the 13th inst. enclosing a report of a Committee, and sundry resolutions of the Legislature of Georgia, relating to the conduct of the United States' Agent to the Creek Nation ; and will give to them all the consideration which, coming from so high authority, they may merit.

I have &c. &c. &c.

JAMES BARBOUR.

His Excellency G. M. TROUP,  
Governor of Georgia, Milledgeville.

*Gov. Troup to C. Vandevanter, Chief Clerk War Department.*

EXECUTIVE DEPARTMENT.

Milledgeville, 25th June, 1825.

SIR : I received, this morning, the note, which, in the absence of the Secretary of War, the President of the United States directed you to address to me, and in which I am informed, that "the project of surveying the lands ceded to the United States by the Creek Nation of Indians, at the treaty of the Indian Springs, before the expiration of the time specified by the 8th article of the treaty for the removal of the Indians, will be wholly upon its (the Government of Georgia) responsibility, and that the Government (viz : the Government of the United States) will not, in any manner, be responsible for any consequences which may result from that measure." A very friendly admonition truly ! So that, whilst you referred your resistance of the survey, to the evils already produced by the mere effort, on the part of this Government, to obtain permission to make the survey, and when the fact of that cause producing those effects is disproven, and it is made known to you, that nobody, either whites or Indians, ever conceived such a thing as possible, before you had assumed it upon the representation of the Agent as undoubtedly true, and that your own Agent had fabricated it to deceive and mislead you—nevertheless, you continue to issue order after order forbidding the survey, as if you had pre-determined, from the beginning, that, under no circumstances, should we proceed to the survey without your express permission, first had and obtained. Nay, more ; you repeat this order to General Gaines, who is charged to promulgate it to the hostile Indians ; so that, whether there be any thing obnoxious in the survey or not, they may seize it as a pretence, under the authority and with the support of the United States, to scalp and tomahawk our people, as

soon as we shall attempt that survey ; and that, in fact, you adopt for the Indians gratuitously, an imaginary wrong done to them ; persuade them, even against their will, that it is a real one, and then leave them to indulge, in unbridled fury, the most tempestuous passions ; and this, I presume, is the meaning, in part, of the responsibilities which we are to incur, if we disregard the mandate of the Government of the United States. You will, therefore, in the absence of the Secretary of War, make known to the President, that the Legislature having, in concurrence with the expressed opinion of the Executive, come to the almost unanimous conclusion, that, by the treaty, the jurisdiction, together with the soil, passed to Georgia, and, in consequence thereof, authorized the Governor to cause the line to be run, and the survey to be made, under the protection of our own laws, it becomes me in candor to state to the President, that the survey will be made, and in due time ; and of which Major General Gaines has already had sufficient notice. Whilst in the execution of the decrees of our own constituted authorities, the Government of the United States will find nothing but frankness and magnanimity on our part, we may reasonably claim the observance, in like degree, of these noble qualities on theirs. When, therefore, certain responsibilities are spoken of in the communication of the President, we can rightfully inquire what responsibilities ? Georgia, in the maintenance of her undoubted rights, fears no responsibilities ; yet it is well for Georgia to know them, so far as they are menaced by the United States. If it is intended that the Government of the United States will interpose its power to prevent the survey, the Government of Georgia cannot have too early or too distinct notice. For how highly dishonorable would it be for the stronger party to avail itself of that power to surprise the weaker. If the Government only mean, that, omitting its constitutional duty, it will not pacify the Indians, and make safe the frontier, whilst the officers of Georgia are in peaceful fulfilment of their instructions connected with the survey, it is important to the Government of Georgia to know it, that, depending on itself for safety, it shall not depend in vain ; but, if the Government of the United States mean, what is not even yet to be believed, that, assuming, like their Agent, upon another not dissimilar occasion, an attitude of neutrality, feigned and insincere, it will, like that Agent, harrow up the Indians to the commission of hostile and bloody deeds ; then, indeed, the Government of Georgia should also know it, that it may guard and fence itself against the perfidy and treachery of false friends. In either event, however, the President of the United States may rest content, that the Government of Georgia cares for no responsibilities in the exercise of its right, and the execution of its trust, but those which belong to conscience and to God ; which, thanks to him, is equally our God, as the God of the United States.

With respect, &c.

G. M. TROUP.

C. VANDEVENTER,  
*Chief Clerk, War Department.*

*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Creek Agency, June 27, 1825.*

SIR: I arrived at this place in the morning of the 25th. The Indians have since been assembling in great numbers, but they have not yet prepared to receive me in Council; several of their Chiefs being still absent. They manifest a strong disposition to be peaceable toward their white neighbors, and to abstain from further hostility toward the party of their own people driven from them. They are evidently much gratified to find that the President of the United States has interposed his authority in the adjustment of a difficulty, in which they were involved, without having estimated the magnitude of the danger which has, and still may, menace them. They have the highest confidence in the justice and magnanimity of the General Government, which cannot be too highly valued, or too scrupulously maintained.

After closing my letter of the 22d, at Indian Spring, and at the moment of my departure thence, it was suggested to me by Colonel Brodnax, an intelligent militia officer of Flint River, that the Chiefs, Marshal and C. M'Intosh, had been up in conference with white counsellors during the night of the 20th; that he had, by their request, prepared a letter for them, in reply to my address to them in Council; that, he had been careful to write only what they verbally stated to him; that after completing the letter, he read it to them, and they appeared entirely satisfied with its contents; but that he afterwards learned they were, for some time, during the night, in Council with *white friends*, and that their nocturnal consultation resulted in the letter enclosed in mine of the 22d, marked B.

Colonel Brodnax accompanied Lieutenant Butler and myself, in our first day's journey from the Indian Spring, and, in the course of the day, mentioned several other circumstances, corroborative of this, and of another fact, that I had previously much reason to suspect, that great efforts had been made by certain evil disposed white men, to foment and profit by the existing dissensions among the Indians, and, thereby, to counteract the benevolent views of the President, to allay them. He promised to send me a copy of the letter referred to, written by him for the Chiefs, prior to their night consultation. In that letter, they instructed him, as he assures me, to say, that the views of the War Department, as communicated by me, afforded them much satisfaction, and that they would willingly comply with his wishes; that they were very desirous to obtain retaliation for the loss of their Chiefs; and that they were desirous to receive, as the "emigrating party" to the treaty, the \$200,000, now in the hands of the Commissioners.

Many other statements of similar import, representing improper conduct on the part of the whites toward the Indians, were made to me unsolicited, while at the Indian Spring, and since my departure from that place; but with which I forbear to trouble you, unless it

becomes necessary (and it be in my power to probe and sift them,) in the course of my conferences with the Indians. These statements have had the effect of placing me somewhat more upon my guard, than I might otherwise have been. Thus may I have been a little more particular in my correspondence with the Georgia Commissioners, than may seem to have been advisable. A continuation of that correspondence is enclosed, herewith, No. 1 and 2.

With perfect respect,

I have the honor, &c. &c.

EDMUND P. GAINES.

*Maj. Gen'l Com'g.*

THE SECRETARY OF WAR.

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Enclosure No. 1.

*The Commissioners on the part of Georgia to General Gaines.*

FORT MITCHELL,

25th June, 1825.

Major General E. P. GAINES.

SIR: Since our arrival at this place, we have been joined by Col. Seaborn Jones, who is associated with us in the Commission, by the Governor of Georgia.

If obedience to the instructions, (with a copy of which you have been furnished,) we beg leave again to call your attention to that part of those instructions, by which it was contemplated by the Governor that we would be admitted to a free participation of the Council of Indians to be connected at Broken Arrow, as well as that lately held at the Indian Springs. We would repeat the request, on our part, that we may be admitted to that Council.

In your letter of the 21st instant, in answer to a similar request made at that place, you say, "I deem it proper, therefore, that I should exercise the entire control of every subject to be acted upon, and of every expression uttered to the Council, by any officer or citizen permitted to address it; whether of the United States, or any individual State or Territory. Without such control, our Councils would be involved in confusion, and they would be wholly useless, if not worse than useless."

We call your attention to this part of your letter, for the purpose of correcting a mistake, under which you have fallen, with regard to our motives, and the course of conduct we might pursue in attending the Council.

We have been particularly instructed "not to interfere with the Council, in matters disconnected with the objects of our mission, and which appertain exclusively to interests and relations purely political, subsisting between the General Government and the Indians."

Permit us to assure you, Sir, that we shall strictly adhere to those

instructions, and carefully avoid any interference ; and that we shall expect only to make suggestions to yourself, in the Council, and thro' you, to obtain all the information which can be acquired. The information thus acquired, will be of an official character, and will perhaps be more satisfactory, than any derived from any other source.

From Mr. Kenan, our Secretary, you will receive a copy of the message of the Governor to the Legislature, with the accompanying documents and other papers ; and we have the honor to subscribe ourselves,

With high consideration and respect,

Your obedient servants,

WARREN JOURDAN,

SEABORN JONES,

WM. H. TORRANCE,

*Commissioners.*

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

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Enclosure No. 2.

*General Gaines to the Commissioners on the part of Georgia.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, June 26, 1825.*

GENTLEMAN : I have received your communication of yesterday's date, requesting to be admitted to the Council convened at Broken Arrow.

I am under no such mistake as that you ascribe to me, and which you are pleased to attempt to correct. / In your letter of the 20th, you claim "a full and free participation of the Council of the Indians." Whatever may have been your meaning, the manifest import of the expressions employed by you, could be nothing less than a demand to exercise, without control, certain privileges before the Council. The force of this construction, is strengthened rather than diminished by your instructions from his Excellency the Governor of Georgia, to which you refer.

You say "we have been particularly instructed not to interfere with the Council, in matters disconnected with the objects of our mission, and which appertain exclusively to interests and relations, purely political, subsisting between the General Government and the Indians."

I cannot perceive or admit of the existence of any such distinction. The General Government can have no interests, or relations, *purely political*, either with the Indians, or with any other people or Nation, in which the State of Georgia is not concerned. But his Excellency the Governor of Georgia, deems it proper that the State should be represented at the Council at Broken Arrow ; and you have been appointed for that purpose. I have advised you, that the President

has seen fit to confide to me, the exclusive mission to this Nation, on the part of the United States. I have now to add, that the duties assigned to me, are substantially the same as those with which you are charged ; with the exception of taking testimony as to the conduct of the Agent. Thus, have I the honor to represent Georgia, with each other member of the United States, in the Indian Council, at *Broken Arrow*. With due deference and respect for the authorities of the State, which have had the kindness to appoint a mission to afford me aid, which the General Government appears not to have been aware that I stood in need of, I cannot permit myself to recognise the mission, without the authority of the President. It would afford me great satisfaction to possess the confidence of the State authorities ; I can hope to win it, only by a faithful discharge of my duty ; but, if I fail thus to win it, I feel convinced that I shall not fail to retain what will be equally gratifying to me, the conscious persuasion that I merit that confidence.

In the subsequent part of your letter, you assure me, that you will strictly adhere to your instructions, and carefully avoid any interference ; and that you shall expect only to make suggestions to me, in the Council, and through me, to obtain the information which can be acquired. It is to be regretted that you did not sooner favor me with this moderate definition of your wishes ; as, in this case, no objection would have been offered by me to your request, individually and unofficially.

You are entirely at liberty to attend, as any other gentlemen would be. I reserve to myself, however, the right to control every subject to be acted upon, and every expression to be uttered to the Council. It affords me pleasure to profit by the suggestions of my fellow citizens : but, these suggestions, to be acceptable to me, must be free of every thing like official power or control.

In tendering to you my thanks for the polite offer, contained in your note of this afternoon, I have to observe, that I shall not have occasion to send despatches, before the departure of the regular mail.

I renew to you gentlemen, assurance of my respectful consideration.

EDMUND P. GAINES,

*Maj. Gen. Commanding.*

Col. WARREN JOURDAN,

Col. SEABORN JONES,

WM. H. TORRANCE, Esq. }

*Commissioners.*

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

*Governor Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, 28th June, 1825.*

STR : A paper of this morning, printed at this place, contains a letter purporting to be addressed by your Special Agent to the



Agent for Indian Affairs, in extenuation of his conduct in suspending him from his functions under your instructions, is forwarded for the information of the President. If, in writing such a letter, the Special Agent has so acted as to find himself within the letter or spirit of those instructions, it is obvious, that the question which he was charged to investigate had been prejudged at Washington, before his departure from that city, and that, consequently, the Government of Georgia can no longer, consistently with its dignity, hold intercourse with that officer, of which, as you will see by the enclosed letter, he has had due notice.

Respectfully,

G. M. TROUP.

The Hon. J. BARBOUR,  
*Secretary of War.*

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Enclosure in Gov. Troup's letter to the Secretary of War.

*Governor Troup to Major Andrews.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, 28th June, 1825.*

SIR: I call your attention to a letter purporting to be yours, and addressed to the Agent, in extenuation of your conduct for the act of suspension, and published in a paper here, this morning, called the Patriot. If this letter be authentic, you will consider all intercourse between yourself and this Government as suspended from the moment of the receipt of this.

G. M. TROUP.

To Major T. P. ANDREWS,  
*Special Agent.*

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*Major Andrews to the Secretary of War.*

PRINCETON, NEAR BROKEN ARROW,

*Chatahoochie River, June 30, 1825.*

SIR: I have the honor to report that I arrived at this place on Saturday, the 25th instant.

I have been incessantly engaged, in obedience to my instructions, in examinations relating to the affairs of the Indian Agency; and in rendering such services to Major General Gaines, as were in my power. The full Council of the Creek Nation has been in session, daily, since the morning of the 25th; General Gaines having arrived on the same day. I forbear relating the results of the Councils with

Indians, which are of a general character, as they will of course be made known to you by the General.

The object of my present communication is chiefly to inform you that a great mass of testimony has been collected at this place, from the Indians assembled in council, and from that class of men called in this country "Indian countrymen." I have found the trouble of taking testimony here against the Agent, in a great measure taken off my hands; the Governor of Georgia having sent on to this place a board of (four) Commissioners, for that purpose, as well as others. The Commissioners have not, since my arrival here, placed me in possession of the testimony they have collected, if they have collected any, and, from their mysterious course, (which it may be hereafter necessary for General Gaines and myself to advert to,) I am not able to say whether they intend doing so, although that idea has been constantly held out to me since their appointment. Delicacy to the State they represent, and themselves, dictates that I should wait to learn their intentions, without urging them on the subject.

The testimony collected by the Agent from individuals, and shown, but not yet submitted to me, as well as that which I have obtained, by the fullest and most particular inquiries to the Creek Council, is, I am happy to inform you, of the most satisfactory character. It goes clearly to shew that the Agent, so far from being what the charges against him would insinuate, has been, and is, every thing which the Government could wish him. He still has a large amount of testimony in Georgia to collect, and, although neither General Gaines, nor myself, or any disinterested man at this place, entertains a doubt of his innocence, I shall defer withdrawing his suspension until after he has collected and submitted all his testimony, and has made his defence.

I regret to inform you that the Agent, in defending himself, will, in all probability, criminate others who have heretofore stood high in the confidence of the Government. In shewing that he was not unfavorable to a fair treaty, and, indeed, advised one, with the Indians, he will shew, by his testimony, a great degree of unfairness, on the part of the Commissioners, and those about them, who made the late treaty. The information obtained by General Gaines and myself, all has the same tendency.

The Commissioners appointed by the Governor of Georgia, have now (being in want of the same privilege, and their main testimony being taken,) offered the Indian Agent the right of cross-examinations; but I doubt if they will compel the attendance of witnesses in Georgia for cross-examination. Should they do so, a great degree of corruption at the formation of the treaty will be brought to light! and, whether their witnesses are cross-examined or not, the greatest degree of unfairness towards the Agent, Deputy Agent, and Interpreter, will be exhibited by the testimony already collected. It gives me pleasure to state, that I consider all three of those gentlemen, so far as I have been able to ascertain, as efficient officers, and faithful servants, and justly entitled to the confidence of their Government.

I expect to be at Washington towards the latter part of July, or the first part of August ; provided I should not, in the mean time, receive any intimation that it is your pleasure I should remain longer in this country. I can, therefore, either make my report after arriving at Washington, or forward it from Milledgeville, according as your pleasure may be expressed.

I have had a further correspondence with the Governor of Georgia, as well as one with the Commissioners herein referred to, which I have not had time to forward. They shall be sent on by the next mail, if possible.

I have the honor to remain, &c. &c.

T. P. ANDREWS,

*Special Agent.*

The Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

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*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Nation, July 1, 1825.*

SIR: I had promised myself the pleasure of sending you a detailed report of my conference with the Indian Council at this place, by this day's mail ; but the time of closing the mail has nearly arrived, and my report is not completed.

I take this occasion, however, to say, that the Council has promised to be peaceable and to be just.

They protest against the treaty, as the offspring of fraud, and entered into by persons not authorized to treat, and contrary to the deliberate resolution of the principal Chiefs and Warriors of the greater part of the Nation.

They refuse to give any evidence of their assent to the treaty, either by receiving a part of the purchase money, or otherwise. But they have deliberately stated, as the fixed resolution of the whole Council and Nation, that they will not raise an arm against the United States, even should an army be sent to take from them the whole of their land ; that they will readily lay down their lives upon the land in which the bones of their ancestors are deposited ; and, being too feeble to resist, they will die without resistance ; that the world shall know, that the Muscogee Nation so loved their country, they were willing to die rather than sell or leave it.

They appeal thus to our magnanimity, and I cannot but say, I trust and hope their appeal will not be unavailing.

With great respect, &c. &c.

EDMUND P. GAINES,

*Maj. Gen. Commanding.*

The Hon. JAMES BARBOUR,  
*Secretary of War.*

*Major Andrews to the Secretary of War.*

PRINCETON, NEAR BROKEN ARROW,

*Indian Nation, July 4, 1825.*

SIR: I do myself the honor to enclose you a letter which I received from his Excellency the Governor of Georgia, dated the 28th June, and a copy of my answer to it, bearing this date.

My duties have been, and still are, so incessant and arduous, that I am not able to forward you some correspondence between his Excellency and myself, as also, with the Commissioners of Georgia. I shall send the correspondence referred to, as soon as duplicates are prepared, for I am unwilling to risk them to the mail, before I can make duplicates, for fear of miscarriage. It will be impossible to form a decided opinion as to my course, until they are all received.

I avail myself of the opportunity of enclosing you several interesting papers, viz:

No. 1. A list which shews the rank and character, or grade, of all the signers to the late treaty, made at the Indian or Mineral Springs, in Georgia.

No. 2. A correct census of the Creek Nation of Indians, shewing the number of Chiefs, the number of men, including the Chiefs, and the number of women and children, by towns, of the Nation; with official memorandums, showing the number of persons attached to the McIntosh party, and the names, &c. of the first five of the *National* Chiefs at the time of holding the treaty.

No. 3. A report of the speech of the Speaker of the Nation, on the first day of the late Council with the Chiefs of the Creek Nation, as also, that of the head of the Nation, which furnishes a synopsis of the views of the Nation, in relation to the causes of the late disturbances, &c. This report was prepared by myself, from full notes taken as he spoke, and is as faithful and literal a report as I was capable of making; it is so much so, that the four Interpreters employed throughout the whole Council, have unanimously certified it as correct; one of them, Hawkins, being an Interpreter from McIntosh's party, brought on by General Gaines from Georgia, and who was urged on him, and recommended by the party, as *their* Interpreter.

No. 4. A report of the answer of the same Speaker, on the part of the Nation, to which I apply the same remarks as in the preceding paragraph, and which is verified in the same manner. Other reports of these speeches will be furnished you by General Gaines; Mr. Butler, his Aid-de-Camp, having also taken them down as spoken.

In closing this letter, I trust you will forgive me for making a few remarks, which, although relevant, may not be altogether applicable to my *specific* duties. From the extraordinary temper and unreasonable course of the authorities of Georgia, both in regard to Major General Gaines and myself, I am sorry to say, that I sincerely believe no officer of the General Government can discharge his duties, in this quarter, with fidelity to his own Government, if his du-

ties relate to any thing which has the most remote bearing on the State of Georgia, without incurring the disapprobation of the authorities referred to. I have been personally acquainted with most, if not all, of the measures and acts of General Gaines in the late Council, and feel a pleasure and pride in saying, that those acts and measures, so far as I am capable of judging, have been characterized by consummate prudence, justice, and wisdom. Every thing which I have referred to, will, in due time, be laid before you. To show, however, the general course which the authorities of Georgia have pursued, I will state one fact to you: I was present at an official conversation between General Gaines and two of the Georgia Commissioners, the evening preceding the breaking up of the Indian Council, in which these Commissioners stated, in the most positive manner, that they had received, by express from the Governor of Georgia, information of the fact, that the War Department had given permission, in a letter from Major Vandeventer, to the Governor of Georgia, *to survey the Indian territory whenever he thought proper*; and that they wished to make known that fact personally to the Indian Council before they adjourned, and to inform them that the Governor would survey the land immediately. (When the Commissioners first presented themselves, they demanded "a full participation in the Indian Council," which the General, with great politeness and firmness, had refused them.) On this occasion he renewed that refusal, but with the same urbanity and firmness: notwithstanding which, they the next morning presented themselves at the Council, and again renewed their attempt to communicate, as a fact, to the Indians, what, I feel assured, has never been sanctioned by the Department or the President. General Gaines had succeeded, after the most intense pains and the most anxious labors, (surrounded by a thousand difficulties, arising alone from the interference of the most mischievous and dangerous persons,) in securing the views of Government and humanity, by restoring an unfortunate and distracted people, unable to protect themselves or their rights, to a state of tranquillity, and even comparative happiness; and I feel warranted in saying, that if he had permitted the intended communications of the Governor of Georgia to be made known to the Council, it would have been throwing a firebrand among this much injured people, which could only be extinguished at a vast expense of blood, and treasure, and justice. As it is, they wait with resignation the ulterior views of the Government, reposing on its magnanimity and justice.

With the highest respect, &c. &c. &c.

T. P. ANDREWS,

*Special Agent.*

To the Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

P. S. The enclosed affidavits (No. 5.) of John Winslett, Lemuel B. Nichols, and J. H. Campbell, will show the temper of the persons chosen by the Governor of Georgia as Commissioners to aid

General Gaines and myself in our duties. The Mr. Williamson, mentioned in these affidavits, is one of that board, and was an active instrument in the hands of the late Commissioners of the treaty, and is now, I am told, an applicant for the Indian Agency.

T. P. A. S. J.,

Enclosure No. 1.

*List of signers to the treaty at Indian Springs.*

The following is the list of persons who signed the treaty of Indian or Mineral Springs, in February last, with their grade or character, or rank, as given this 30th day of June, A. D. 1825, to Maj. Gen. Gaines, in full Council of Creek nation, at Broken Arrow, on the Chatahoochie river, in the presence of a large number of persons, besides their own people. The answers which give the character or grade of each signer of the treaty being given generally by the Little Prince, the head man of the nation, or by its speaker, O-poethley-O-oholo, (or O-porth-le-yoholo,) by his direction, and assented to, in each case, by all the Council. Whenever the head or principal chiefs of the nation were in doubt as to the exact or precise grade of any person, they called up the chiefs of his particular town to explain it to them, viz :

William McIntosh, a Chief, the fifth Chief of the Nation, the Military Chief of the Nation.

Etomme Tustunnuggee, of Cowetaw, a Chief, but not a principal Chief of the Nation.

Holataw, or Colonel Blue, Underling Chief; repented signing; returned to the Nation, and now with them.

Cowetau Tustennuggee, an inferior Chief; has repented signing; gave himself up, and is now with the Nation.

Artris Mico, or Roley McIntosh, an underling Chief, inferior degree.

Chilly McIntosh, no chief, a Clerk; had been dismissed before as Clerk of the Nation.

Joseph Marshall, a Sheriff, a Constable, a Scout or Patrole, or Cavalry Soldier; but called Law-makers or Law-menders, being the *Executor of Laws*.

Athlon Hajo, a broken or dismissed Chief; returned to the nation, repenting.

Tuskenahah, an underling Chief; returned to the Nation repenting.

Benjamin Marshall, a broken dismissed Chief.

Cocus Hajo, same as Joseph Marshall.

Forshatepe Mico, same.

Oethlemata Tustennuggee, same.

Talam Hajo, same.

Luskegu Tustennuggee, same.

**Poshajo Tustunnuggee**, not known to the Council ; could not say who he was at all.

**Emau Chuccolocana**, same as last.

**Hijo Hajo**, a broken Chief, dismissed ; now with the Nation.

**Thla Tho Haja**, a broken or dismissed Chief.

**Tomme Holueto**, same.

**Abeco Tustunnuggee**, same as Joseph Marshall.

**Encha Hajo**, no Chief ; an Indian.

**Tateko Hajo**, same as Joseph Marshall.

**No-Co-ou Emantha**, a broken or dismissed Chief.

**Colonel Wm. Miller**, same as Joseph Marshall.

**Abeco Tustunnuggee**, same as Joseph Marshall.

**Hoethlepoga Tustunnuggee**, same.

**Eepocokee Emautla**, same.

**Samuel Miller**, no Chief ; an Indian merely ; cross breed.

**Tomoc Mico**, same as Joseph Marshall ; returned to the Nation ;  
uncle to General McIntosh.

**Charles Miller**, same as Joseph Marshall.

**Tallasu Hajo**, or John Carr, a broken or dismissed Chief.

**Otulga Emautla**, same as Joseph Marshall.

**Ahalaco Yoholo**, of Cussetau, do.

**Walucco Hajo**, of New Yanco, do.

**Gahausee Emautla**, do. do.

**Nineman Tochee**, do. do.

**Konope Emantha**, Sand Town, do.

**Chawacala Mico**, do. do.

**Foclalustie Emautla**, Sand Town ; same as Joseph Marshall.

**Josiah Gray**, from Hichatee, same as Joseph Marshall ; repented, and returned to the Nation.

**William Kanard**, do. a good old man ; no Chief or Head Man ; returned to the Nation.

**Nebathluucco Hatkel**, do. same as Joseph Marshall ; returned to the Nation.

**Halathia Fixico**, from Big Shoal, same as Joseph Marshall.

**Alexander Lasby**, from Talledéga, a dismissed or broken Chief.

**Espokhe Hajo** do. same.

**Emanthala Hajo**, do. same.

**Nineomalochée**, do. same.

**Chuhah Hajo**, do. same as Joseph Marshall.

**Epe Emautla**, do. a dismissed or broken Chief.

**Atausa Hopoie** do. same.

**James Fife** do. same.

### RECAPITULATION.

- 1 Chief, the fifth Chief of the Nation.
- 5 Underling Chiefs of inferior degree.  
(The above 6 are all from one Town, Cowetau.)
- 26 Executors of the laws.

- 18 Indians, 14 of whom were broken or dismissed Chiefs.  
 2 Not known at all.

52 Signers of the treaty, all from eight towns only. There are  
 55 or 56 towns positively in the Nation.

T. P. ANDREWS.

The foregoing is an accurate list as given to me in open Council of the Creek Nation, in the presence of a large number of persons, not of the Nation. The answers were given as stated in the caption, and interpreted by the United States' Interpreter, in the presence of three other Interpreters, who assented to the correctness of his interpretations. The answers were taken down by Mr. Andrews, the Special Agent, under the immediate eye of myself, and my aide-de-camp, Mr. Butler, who sat at the table with him.

E. P. GAINES,  
*Maj. Gen. Comd.*

The foregoing is, in every respect, a true list or statement, as stated.

THOMAS TRIPLETT,  
*A. A. I. M.*

T. P. ANDREWS,  
*Special Agent*

BENJAMIN HAWKINS,  
*Interpreter of McIntosh's Party*

The foregoing is correctly written as interpreted.

WILLIAM HAMBLEY,  
*U. S. Interpreter*



Enclosure No. 2.

## CENSUS OF THE CREEK TOWNS.

| CENSUS OF UPPER TOWNS.                  | Number<br>of<br>Chiefs. | Total<br>Number<br>of Men. | Women<br>and<br>Children. | Total  |
|---|-------------------------|----------------------------|---------------------------|--------|
| Tuckabatchee, In Alabama,               | 37                      | 286                        | 728                       | 1014   |
| Talliesee, do                           | 16                      | 107                        | 326                       | 433    |
| Clewallee, do                           | 18                      | 85                         | 253                       | 338    |
| Ottosee, do                             | 17                      | 84                         | 227                       | 311    |
| Big Reddy Branch, do                    | 9                       | 74                         | 147                       | 221    |
| Little Oakjoy, do                       | 24                      | 100                        | 196                       | 296    |
| Big Swamp, do                           | 7                       | 47                         | 127                       | 174    |
| Towasse, do                             | 6                       | 29                         | 53                        | 82     |
| Tuskegee, do                            | 10                      | 47                         | 101                       | 148    |
| Hickory Ground, do                      | 14                      | 68                         | 159                       | 227    |
| Hatchechubbah, do                       | 11                      | 40                         | 123                       | 163    |
| Kieligee, do                            | 21                      | 143                        | 339                       | 482    |
| Ufania, do                              | 21                      | 124                        | 298                       | 422    |
| Lathabogo, do                           | 13                      | 82                         | 236                       | 318    |
| Okefuskee, (doubtful if in Georgia,     | 16                      | 91                         | 233                       | 324    |
| New York, -                             | 12                      | 112                        | 275                       | 387    |
| Corn House, (doubtful if in Georgia,) - | 8                       | 30                         | 86                        | 116    |
| Couppertoy, (Alabama,) -                | 12                      | 98                         | 225                       | 321    |
| Achasseo Ligo, (doubtful if in Geo.) -  | 17                      | 82                         | 229                       | 311    |
| Fish Pond, (Alabama,) -                 | 14                      | 92                         | 196                       | 298    |
| Onkjoy, -                               | 11                      | 31                         | 100                       | 131    |
| Big Swamp, -                            | 10                      | 41                         | 106                       | 147    |
| Weokah, -                               | 11                      | 85                         | 203                       | 288    |
| Oketawanssee, -                         | 10                      | 34                         | 98                        | 132    |
| Waccocoy, -                             | 18                      | 117                        | 295                       | 412    |
| Pockspertoy, -                          | 5                       | 48                         | 96                        | 144    |
| Hatchet Creek, -                        | 8                       | 46                         | 100                       | 146    |
| Weogufah, -                             | 12                      | 120                        | 176                       | 296    |
| Puckea Tallahassee, -                   | 15                      | 110                        | 120                       | 230    |
| Hillaba, -                              | 22                      | 200                        | 427                       | 627    |
| Chehaw, -                               | 24                      | 90                         | 210                       | 300    |
| Talledago, -                            | 21                      | 103                        | 225                       | 328    |
| Kymulgee, -                             | 11                      | 56                         | 124                       | 180    |
| Red Ground, -                           | 11                      | 44                         | 117                       | 161    |
| Chalca Thlocco, -                       | 29                      | 123                        | 233                       | 356    |
| Tallasee Hatche, -                      | 11                      | 66                         | 160                       | 226    |
| Bamahkee, -                             | 17                      | 59                         | 164                       | 223    |
|   | 554                     | 3194                       | 7509                      | 10,703 |

## CENSUS OF THE CREEK TOWNS—Continued.

| CENSUS OF LOWER TOWNS.                | Number<br>of<br>Chiefs. | Total<br>Number<br>of Men. | Women<br>and<br>Children. | Total. |
|---------------------------------------|-------------------------|----------------------------|---------------------------|--------|
| Cowetau, part. If not all in Georgia. | 25                      | 538                        | 967                       | 1505   |
| Oswitche, divided, Geo. & Alabama,    | 14                      | 120                        | 291                       | 411    |
| Oke-e-te-ack-e-nee, Georgia,          | 5                       | 191                        | 81                        | 272    |
| Pah-lah-cho-colo, do                  | 10                      | 82                         | 160                       | 242    |
| U-fan-la, Alabama.                    | 19                      | 341                        | 626                       | 967    |
| Big Spring, Georgia,                  | 5                       | 49                         | 91                        | 140    |
| Halchechubbah, Alabama.               | 3                       | 42                         | 84                        | 126    |
| Hitchetee, Georgia.                   | 15                      | 161                        | 369                       | 530    |
| Thle-catch-cah,                       | 21                      | 483                        | 711                       | 1194   |
| Big Shoal, Georgia,                   | 4                       | 30                         | 133                       | 163    |
| Cus-si-tan, do                        | 44                      | 627                        | 1200                      | 1827   |
| Son-wo-colo, do                       | 12                      | 182                        | 382                       | 564    |
| Co-woc-co-lo, Tallohassee,            | -                       | 30                         | 65                        | 95     |
| Cherokee Town, Georgia,               | -                       | 53                         | 64                        | 117    |
| Little River, do                      | 4                       | 18                         | 28                        | 46     |
| Che-au-hau, do                        | 11                      | 81                         | 231                       | 312    |
| Ho-dal-do-yan-na do                   | 6                       | 69                         | 129                       | 198    |
| Uche. do                              | 24                      | 375                        | 862                       | 1237   |
|                                       |                         |                            |                           | 9950   |

The within is the population of all the towns of the Creek Nation of Indians, both Upper and Lower towns. The second column showing the number of men, includes the number of Chiefs as in the first column.

There were about 280 or 300 souls, men, women, and children, with the McIntosh party in Georgia.

T. P. ANDREWS,  
*Special Agent.*

PRINCETON, Indian Nation, July 4, 1825.

Relative Rank of the first five of the National Chiefs of the Creek Nation of Indians, at the time of holding the treaty of Indian or Mineral Springs, in Georgia, viz :

Little Prince, or Tustennuggee Hopye, (now the head of the Nation.)

Big Warrior, or Tustennuggee. (Thlucco, died about the time of the treaty.)

Tuskehnehaw, of Cusseta. (There are a great many Tuskehnehaws.)

Hopoi Hajo, of Oswechee.

General McIntosh, of Cowetau.

All four of the first, were friendly to the Government and the whites during all the late war, and the Indian wars since. I have ascertained this fact, to my perfect satisfaction.

T. P. ANDREWS, *Special Agent*.

PRINCETON, Indian Nation, July 4, 1825.

Enclosure No. 3.

*Proceedings in the Council at Broken Arrow.*

BROKEN ARROW, June 28, 1825.

The Chiefs and Head Men of the Creek or Muscogee Nation, having assembled in Council, to the number of about 1890 men, eight or nine hundred of whom were supposed to be chiefs and head men of all degrees, and notified Major General Gaines that they were ready to meet him, in Council, as the Representative of their Great Father the President. The General accordingly attended, visiting them at their National Council House, or Square, accompanied by Mr. Andrews, U. S. Special Agent, and his Aid-de-Camp, Lieutenant Butler. A large number of respectable gentlemen being also present, as well as a number of "half-breeds" and "Indian countrymen." The three missionary gentlemen, stationed in the Creek nation, viz: Isaac Smith, Lee Compere, and W. C. Hill, were among the gentlemen referred to. On entering, the white flag was discovered in a conspicuous situation. At about 12 o'clock, the General was conducted to an audience place; and, after a short address from Yq-ho-lamico to the Council, apprising them of the visit and presence of the Representatives of their beloved Father, the President, he directed the principal chiefs to advance, and shake hands with the General. The pipe of peace was then presented by the chief "Mad Tiger." The General was then invited to the speaking place of the Council, and addressed the Council, as follows: (See page 614.)

Ho-po-eth-le-oholo, or Poethley-Oholo, who was on the right hand of the Little Prince, (the head of the nation,) and, being the Speaker of the nation, expressed the willingness of the Council to reply to the General's talk immediately, if he wished, or at his pleasure. The General replied that they must be governed by their own wishes.

Poethley-Oholo.—Great Warrior!—You have only honored us with the first part of your talk, to which we look with the most intense anxiety; but which, being in part only, we are not so well able to understand or reply to.

General Gaines replied, that, before giving all the talks from their Great Father, which he had for them, he considered it all important to have explanations from them on the two principal points of the talk he had made them, &c. &c. &c. (See pages 578 to 582.)

Little Prince and Poethley-Oholo, jointly.—Your observations are wise and just. Truth cannot be found in a dispute, until both stories are told. One party may tell a fine and fair story, and yet it may be all lies.

Poethley-Oholo continued.—Great Warrior ! We suppose there have been many reports about late difficulties and we are rejoiced you have come on to inquire into truth.

You are sent by our Great Father, the President, and we look on you, his representative, as if our beloved Father were here himself. The Nation is in its Council, in the Great Square, wherein nothing is told but truth.

Formerly the Muscogee nation was a great nation ; they had always had their regular Councils in the Great Square ; had never expected they would have occasion to inflict such serious punishment on their children ; but the nation was not in fault, but those who have been punished.

In former times the Muscogee nation owned a great deal of land, but they have reduced themselves to a small country. They were in Council with the Great Warrior Jackson, in 1814. They well recollect his talks ; they are engraven on their memory ; he told them their Great Father would let them keep all their remaining lands, and they have never forgotten the promise.

After the treaty of Fort Jackson, they wanted laws, and they appointed law makers to put them in force. They have always, since that time, been governed by their law, and the late deaths were by the law. They first passed the law, now in his mind, on the West bank of the Ockmulgee River, but have, from time to time, re-enacted it, to put it in force. After making laws, and appointing persons to put them in force, for a long time no one questioned or violated them. But, of late, some run too fast, and got ahead of them. All the principal chiefs and head men and the nation were consulted, and all agreed to the law in question. These laws were committed to writing and printed, particularly, since they were re-enacted, the treaty of 1821, when the nation was in debt, and obliged to sell their land. [Here he offered to shew the law to the General.] When the law was made, all the chiefs vowed it to be permanent, as the only means of keeping their lands, and living happy with their wives and children, in the lands of their fathers.

The Commissioners came from Georgia. They asked at Broken Arrow for lands. They were met as friends, but told that, whilst the Muscogee nation had plenty of land, they kept selling ; but now, they had barely enough to live on. When they first commenced to treat, their correspondence was in writing ; but, after two or three talks, the Commissioners changed to verbal communications. Before this, the Indians had always been accustomed to have access to, and take advice from, the Agent and Interpreter. But now they found them surrounded with spies, who looked bad, and they had no good talks or encouragement from those who had been placed here by their Great Father to be their friends. They relied on the Great Spirit ; but the Commissioners told them at last that their talks were the talks of the Agent and Interpreter, who did not ~~even~~ look good on them, and who were so surrounded by spies that they could only look at them.

The Muscogee People had always been accustomed to treat in open councils, face to face to face, in the Square, and to hear the words of the President. But, at Broken Arrow, the Commissioners held their secret councils in every place—in a great many places—in the bushes, and behind the houses and fences. They could not count the number of their councils. They continued their private meetings, and they went up to the Upper Ferry, (McIntosh's,) whilst the public council was in session. We do not believe they were authorized by the President to hold such secret councils.

When the Chiefs were in Council, in the Square, they sent for the Commissioners, and, at last, they were found at the Upper Ferry in a secret meeting. When they first arrived, they said they came to treat with the Chiefs and head men, as the nation; but, afterwards, found they only held secret Councils, and not with the head men of the nation. After these proceedings the Commissioners adjourned for two or three months, and said they would then come back and treat further. The Chiefs told them, if they wished to return in three months, they would give them the hand of friendship: when the Commissioners said they were going home, the Chiefs summoned all to the Square, to take a ceremonious and friendly leave of them. But, lo! the Commissioners were gone!

After the Chiefs had returned to, and remained at, home a short time, they had a meeting at Tuckabatchee. a notice came suddenly, and only a few broken days were given, to meet at the Mineral Springs, in Georgia. They threw away all other business, and made arrangements to go to the Mineral Springs, in Georgia. They were in the white settlements—the white man's country. The Agent and Interpreter were there in a room, but, as before, they could not speak to them. A handful of Chiefs were told, they could not make a treaty, because they were so few, and neither of the head Chiefs of the nation were present; the principal Chiefs were at home in the nation. McIntosh was not a principal Chief. The Little Prince and the Big Warrior were the two principal Chiefs of the Nation. As a proof that McIntosh was not a principal, much less head Chief, there had been, sometime back, a dispute between the Agent and Stinson, who had been encouraged by McIntosh to come into the nation and violate the laws of the President. McIntosh came before the National Council, in the Square, and said the times were now different with him; that when Mitchell was Agent, he did pretty much as he pleased; but that, hereafter, he would never do any thing without leave of the principal Chiefs of the nation. He (Pothley Oholo) knew all who were at the Indian Springs, and that they could not sell the land honestly; he and they knew the consequences, and he, therefore, ordered them all off home, by direction of his head Chief, the Big Warrior.

After coming home, the Agent was absent, and they ordered their annual meeting. He arrived, however, to the meeting, and they understood that the cheat treaty was ratified, and the first of the money mentioned to them by the Agent. They concluded that it was not right to take any money, as they had sold no land. The law was not a joke, or a play thing. McIntosh was notified, but he

would not attend the meeting : they wanted to hear him. All the law was proposed by himself. It was for the whole nation, without any exception. He, McIntosh, told the People that the law was made, and that it was not for any particular person, but for every body, half breeds and all, and even for the Little Prince or Big Warrior. Although he had loved McIntosh formerly much, on his conduct in breaking his own law, and refusing to come to the meeting, they determined that he should mend the law and suffer. This is the way his death happened.

When the law was enacted, the law said, if People of a particular town would not put the law in force, then other men of other towns should be appointed to do it; and the property of those who break the law is forfeited to those who enforce it. The law only included the heads of the party, who broke it either as to life or property, and the rest were not to be punished. This law was only to include the heads of a town.

The Chiefs went no further than to put the law in force. Their foolish people, now in Georgia, might as well be home with their families. They know the law, and know that they are safe, as the law has been mended. They know very well it was only the law which was executed. If the nation wanted to take more lives, they might have done so at the time they killed McIntosh : There was nothing to prevent them.

The Nation has heard reports from Georgia that the Agent had caused the death of McIntosh. The Agent advised them to take the money for the land. He knew nothing about it, and had nothing to do with the killing of McIntosh. All that Colonel Crowell told them was, that he had got an order from the President for an equal division of the money, and advised them to take it. But they would not take the money for the graves of their old fathers and friends. They told the Agent it was useless to advise them to take the money : for, if they did so, their lands would be gone forever. They were sorry they could not take his advice on this occasion, as he had generally given them good talks before, about the affairs of their nation. They repeated, if they took the money, the land was gone forever, and they should have no lands for their children. The Muscogee people love their lands, they were born on them, and their fathers and friends are buried under them. They have not any lands for sale. If a peaceable People have property, that property ought not to be taken from them without their consent. They did not think the land would be taken from them unless they sold it.

Poethley Oholo concluded by saying that the Muscogee people loved their land—it was their mother—they wished to live and die on it, and be buried under it. But they were not foolish ; they used no threats ; intended no hostility ; they will hold out to the white people the hand of friendship, and, at the same time, suffer them to knock them in the head, and then be laid on their beloved land. They hold out the hand of friendship ; they ask their Great Father for protection ; but will suffer their people to be exterminated ; and let it be

said to the world that the Muscogee people loved their land, laid down, and died on it. The world will know it, and will see that the Muscogee nation would not leave behind them the bones of their people.

The General then remarked : (See pages 578 to 582.)

*The Little Prince, (the Head Man of the Nation.)*

The Speaker of the Council has told you the truth, and nothing but the truth. The Nation is in Council in the Square, and Opoethley Oholo has been authorized by the whole Nation to say what he has said.

Gen. Gaines remarked in reply, as follows : (See pp. 578 to 582.)

*The Little Prince.* Brother : I have a few words to say, which may be spun out into a long talk. What is the reason, if you had a talk with my people in Georgia, you did not bring some of them to confront us ? You may think the others told the truth, but if we were face to face, you could form a better judgment.

You were appointed to come out and make peace and settle every thing. If you had brought home my people, and put us face to face, you would soon see which is right. Those people have no head men or chiefs. If they had come in, he would know what to say to them. I am their Chief.

The chiefs and head men of the Nation, when they want any thing done afar off, they always appoint a head man to do it. You are sent, by the President in the same way : You have had a long journey and tiresome. I have, four or five times, appointed head men to see the President, as you now see me, and got white men to write my orders to them.

There were two principal Chiefs of the Nation of equal grade. The Nation are not hostiles. They have no hostile intention of any kind. The laws have caused all this noise, and I am sorry they were the cause of trouble to you, or our Great Father the President. If the truth had been told, you would not have had any trouble. We have no intentions to interrupt any body : This I repeat to you. Poethley Oholo has already explained to you that it was the law—a strong law—and now all is over. The law is mended, and there is to be no more difficulty or punishment. We never had the most distant idea of molesting any one but those who were executed. He will never permit any one to disturb the balance of them. I have already explained that it was a law of the Muscogee Nation.

The white people have laws, and if a white man, of any grade, transgresses the law, would he not be executed ? He was surprised that Georgia People had taken up the affairs of the Creeks, and made such a fuss about them. It was an Indian law, and not a law of Georgia.

Certified as a correct interpretation, by

WM. HAMBLY,

BENJAMIN HAWKINS,

CHARLES CORNELLS, his x mark.

WM. MCGILVRAY, his x mark.

Mem.—B. Hawkins is an Interpreter of the McIntosh party,

brought in by Gen. Gaines with him, to prevent cavilling at the correctness of the United States' Interpreters and Translators.

*Witnesses,*

S. ROCKWELL,

THOS. TRIPLETT,

*Acting Agent Indian Affairs.*

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Enclosure No. 4.

*Proceedings in Council at Broken Arrow.*

IN COUNCIL, BROKEN ARROW,

July 1st, 1825.

General Gaines notified the Council, that he had just received a letter from the Commissioners of Georgia, who requested him to take measures to send three or four named chiefs to the Tavern, to be examined on the part of Georgia.

Poethley Oholo, the Speaker, replied: the Georgians have seduced a few of their chiefs from the square, into private councils, at various times and places. This is the cause of all the troubles of the Muscogee people. The cause of the President's anxiety and of your visit. The chiefs are not therefore willing to meet them, except in the square or council. These private meetings at different places, and people not adhering to the truth, has caused all their present unhappiness and misfortunes. They do not know what further information the Georgians want: for, if they gave them true talks, they would not make use of them. It is not such as they want.

It was not their own misguided people who were altogether to blame. If they had been let alone, no difficulties would have happened. The Georgians are to blame also, and now that their wounds are about to be healed by the President and yourself, new difficulties would happen, if we go into private council with the Georgia Commissioners; and it would all have to be done over again.

If it had not been for the intrigues of the Georgia people, they would not now have been called from their crops, and homes, and families; leaving their children hungry. They will find no corn upon their return to their homes. Their nation has been in confusion.

This quarrel is like that between two children; the one being stronger, puts the sticks to the weakest; and then, he threatens to beat him again if he tells the truth.

He believes there are a great many good people in Georgia; but there are a great many bad ones for the Indians.

Many persons who commit no crimes, and live straight lives, by having lies told on them, are not secured from harm by their innocence.

They suppose that the Great Spirit, the Master of Breath, has de-



creed that the Muscogee Nation should be reduced and imposed on. Their time has come; and what the "Breath Giver" ordains, must happen.

The foregoing is as literal an interpretation as I could come at : There were four interpreters present.

T. P. A.

The within is a correct interpretation.

WM. HAMBLY,  
BENJAMIN HAWKINS,  
CHARLES CORNELLS, his x mark.  
WM. MCGILVRAY, his x mark.

Princeton July 21, 1825.

Witness:

S. ROCKWELL,  
THOMAS TRIPLETT.  
*Acting A. I. A.*

*Memo.* Hawkins is the Interpreter of the McIntosh party, &c.  
T. P. A.

Enclosure No. 5.

*Affidavits of J. Winslett, L. B. Nichols, and J. H. Campbell.*

PRINCETON, INDIAN NATION.

Personally appeared, John Winslett, before me, Thomas Triplett, Acting Agent of Indian Affairs, who, being duly sworn, says, that, on Saturday last, the 2d instant, at a house occupied by a negro of Chilly McIntosh, who had whiskey for sale, William W. Williamson, one of the Commissioners from Georgia, in a conversation with this deponent and others, consisting of Benjamin Hawkins, Josiah Grey, Indians who understood English, Lemuel B. Nichols, Isaac Burns, Nelson Kent, and others, among other things asserted, that he had been threatened since he had been here, but not by the red people; and, after some other remarks, he observed, that the President of the United States, had acted like a damned insignificant rascal, for taking notice of reports which had the effect of stopping the surveys.

JOHN WINSLETT.

Sworn before me, this fourth July 1825.

THOMAS TRIPLETT.

*Acting A. I. Affairs.*

Witness:

T. P. ANDREWS,  
*Special Agent.*

Lemuel B. Nichols being duly sworn, says, that the above facts and conversation, are, to the best of his recollection and belief, just and true; and that said conversation did take place as above stated.

**LEMUEL B. NICHOLS.**

Sworn before me, this fourth July, 1825.

**THOMAS TRIPLETT,**  
*Acting A. I. Affairs.*

*Witness:*

**T. P. ANDREWS, Special Agent.**

John H. Campbell, being duly sworn, says, that he was present at the place and time within mentioned; recollects to have heard a part in the conversation mentioned in said affidavit, to this import: that the President of the United States was an impertinent rascal; was not present all the time; this remark was made by Williamson.

**J. H. CAMPBELL.**

Sworn to before me, this fourth July, 1825.

**THOMAS TRIPLETT,**  
*Acting A. I. Affairs.*

*Witness:*

**T. P. ANDREWS,**  
*Special Agent.*

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*Gov. Troup to Major Andrews.*

**EXECUTIVE DEPARTMENT,**  
*Milledgeville, 28th June, 1825.*

SIR: I call your attention to a letter purporting to be yours, and addressed to the Agent in extenuation of your conduct for the act of suspension, and published in a paper here of this morning, called the Patriot. If this letter be authentic, you will consider all intercourse between yourself and this Government, as suspended from the moment of the receipt of this.

**G. M. TROUP,**

**T. P. ANDREWS, Esq.**  
*Special Agent.*

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Enclosure in Major Andrews' letter to the Secretary of War.

*Major Andrews to Governor Troup.*

**PRINCETON, INDIAN NATION,**  
*4th July, 1825.*

SIR: I take advantage of the first possible moment, from incessant and arduous duties, to do myself the honor of receipting to your Excellency, your three last letters.

Your letter of the 18th June, was received from the Commissioners of Georgia, on the 25th ult. It was my determination to afford the Commissioners of Georgia, (of whose appointment I had been previously apprised,) all the attention, which my duty to the General Government, and my respect for an important member of the Union, justified and demanded. I have done so, so far as my sense of duty permitted me; but regret to inform you, that I have not had the pleasure of agreeing with the Commissioners on several points of procedure.

You may readily imagine, that my impressions of your great personal honor, were not at all weakened by the receipt of the note of your Excellency, dated the 27th ult. in which you so frankly "correct without delay, an error into which you had fallen," on one particular point, relating to the Indian Agent; and regret exceedingly, that a sense of justice will not permit me to make the admissions which you appear in the same letter, to expect of me. Your Excellency, may rest assured, that I did not intend to call on you again for the specifications, after you had expressed in your letter of the 20th June, your determination not to furnish them. In my answer of the 23d, to your letter last referred to, I adverted to the circumstance, merely with a view to shew why I had, previously to the receipt of your letter, thought I had a right to expect them. Your declining to present specifications, which was a matter that you alone could determine on, settled the question; and I should have been wanting in the high respect, which it is my duty to entertain, and which I sincerely entertain, for your personal character, as well as for your exalted station in society, if I had again requested them of you.

I acknowledge the receipt of your communication of the 28th inst. which has given me pain as a man, but which causes no uneasiness on my part as an agent, or officer, of the General Government. It has given me pain as a gentleman, because I think I can perceive that you feel compelled (I presume from a sense of public duty) to transfer the pursuit by the authorities of Georgia, from the Indian Agent, to the Special Agent of the United States' Government. It causes no uneasiness on my part, as an officer or agent of the Government, because, I cannot suppose, for a moment, that my Government will censure me for doing an act of sacred duty to the Indian Agent, at the same time that I performed, in suspending him from his functions, an act of courtesy to yourself and Government, which you thought necessary to the ascertainment of unbiassed testimony. Had I entered into feelings of denunciations against the Indian Agent, before his trial, or suspended him, without doing him present justice by a frank expression of the reasons which actuated me in doing so, I should indeed have apprehended the disapprobation of my Government, (to which alone, I look in the discharge of my duties;) because that Government is administered by men pre-eminent for temperate and reasonable Councils, and who could not be induced, by any considerations, to violate the rights guaranteed to every citizen of our Country; however humble, by its constitution, and by the immutable principles of justice.

Your Excellency calls on me to avow, or disavow, the letter to the Indian Agent, of which you appear to complain. With the exception of a few typographical errors, I avow it as my letter. I send you a corrected copy. It is such a letter as my sense of justice, imperiously called on me to address him, in performing a harsh act towards him; was approved of by my best judgment, such as it is; is approbated by a man, who, for wisdom stands inferior to few, and in honor to none; and such a one, as I confidently trust, will receive the approbation of my Government. It is such a letter, as from my letters of the 31st of May, 8th, 18th. and 23d June, to yourself, and our frequent verbal communications, as well as those verbal and written to your Aid de-Camp and friend, Colonel Lumpkin, you ought, in my opinion, to have anticipated; and such a one as I was convinced, "for the honor of human nature," (to use your own eloquent expression,) you expected.

Your Excellency informs me. "that, if the letter is authentic," I am to consider all intercourse between your Government and myself as "suspended." Be it so. I know of no intercourse between your Government and myself, which is at all necessary, which is not on your part perfectly voluntary and agreeable. Being an officer of the General Government, I can go on to discharge my duties fearlessly, according to the dictates of my conscience, and to the best of my judgment; and, if I am to be added to the list of the proscribed, for interposing the shield of my Government, to prevent the destruction of a man doomed to be condemned without a hearing or trial, I wish that suspension not only continued, but made absolute and permanent.

As your Excellency has thought it your duty to address me your letter of the 28th of June, I have felt it my right, to reply to it; and to inform you, that I can now see, so far as the examinations have progressed—and they have been both numerous and important—no cause for the accusations against the Agent, unless in his inflexible integrity and firmness in stemming a torrent of corruption, disgraceful, in my opinion, to the national character. A sense of duty compels me to say, that, in using this expression, I have not allusion to your Excellency: for I sincerely believe, that the same persons who have caused this outcry against the Indian Agent, have abused that confidence which your Excellency was compelled to repose, in consequence of your official station.

With high respect, &c. &c. &c.

T. P. ANDREWS,

*Special Agent.*

To his Excellency G. M. TROUP,  
*Governor of Georgia, Milledgeville.*

*Gen. Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, July 4, 1825.*

SIR: The Creek National Council having adjourned, I avail myself of the earliest occasion to report to you the result of their deliberations, which you will find in the resolution enclosed, herewith, marked A.

I regret that it has not been in my power to obtain from the Council their assent to the late treaty. But they persisted to the last, in protesting against it, as an act the negotiation of which was alike contrary to their laws and their wishes.

Their resolution, herewith, was, in substance, dictated by themselves, and written by a respectable Cherokee half-breed, who, by my permission, acted as their clerk.

The resolution first offered by them, of which this is a substitute, adverted particularly to the law forbidding the sale of land, under the penalty of death, and recited the fact as affirmed by them, that the execution of General McIntosh, and two others, was in consequence of their having violated that law. They insisted on the propriety of keeping in view this alleged violation, lest they should be supposed to have laid aside their objections to the treaty. They, however, finally consented to omit those objectionable parts of the resolution. They repeated their determination to remain at peace among themselves, and, in no case, to raise an arm against the United States, or any of its citizens.

In my first address to the Council, I required them to explain why it was that they had put to death the chieftain best known to us, and most highly esteemed; why they had taken the life of McIntosh and others, destroyed their property, and driven their families and friends into a neighboring State? In reply to this demand, the Council, through their Speaker, Hopothleyoholo, stated as follows:

“ We still regret that our duty to our laws, to our country, and to our posterity, compelled us to enforce our law. We do not acknowledge that we have done wrong, as we, as well as the white people, have our own laws for our government. We have told you that we do not intend violence to be done to the simple few who pretend that they have taken refuge among our brethren the Georgians. They were influenced, misguided, and led astray by the chiefs who are now no more. But we wish it to be understood by yourself, by your people, and by the President of the United States, that, by this indulgence and forgiveness on our part, as a nation, we do not acknowledge the treaty they have attempted to make, as a legal treaty. We now proceed most respectfully to answer your question in regard to the \$200,000 which you have stated as now due. We are sincerely sorry to dissent from your opinion, and to reject the advice of our Father, who had the goodness to send you. We do not acknowledge the

treaty made by McIntosh as a legal treaty: He had no instructions from us, either written or verbal, to cede away our lands. We believe that the President, who is a just, virtuous, and magnanimous chief, authorized the commissioners to treat with the Muscogee nation. McIntosh, Hawkins, and Tustunnuggee Tomme, were not the nation. We therefore infer that the contracting parties did not act agreeable to the usages of the United States and her constitution. The Commissioners obviously treated with a trifling minority. The promises of this minority, their obligations, are not binding on the nation. This will be pain to the President and Senate of the United States to observe. The President, when he appointed you, and gave you the instructions you have stated to our Council, must have acted and have spoken on the presumption that the treaty in question was a just, legal, and impartial treaty. Should we accept the money, as stipulated to be paid to the nation by that treaty, we should be, in effect, ratifying a bargain which has the most injurious tendency to our country. We speak from what we conceive the proper state of the subject. We are ignorant of the laws of the United States, or of the principles by which she is governed. We believe that a nation, however strong, cannot, without violating the laws, the rights of the human family, force a tribe or nation to conform and acquiesce in a bargain which they never made. We are the sons of nature; small have been our advantages: and we speak whatever our minds dictate. We believe that a nation who have been led into error, either by intrigue or misconduct of their officers, have a rectifying power within themselves; that, because they have been imposed upon, by misrepresentation, by their officers, it is no reason that they should persist in an error to the injury, perhaps destruction, of the innocent victims who have been embraced in a perfidious act of parties who had no right to speculate on their peace, happiness, and repose. The corrective power of the United States ought, in this instance, to be applied with the least possible delay. Laws that are not agreeable to justice, to a constitution of a country, can be repealed: for it is always considered that they are established on fairness, and for the benefit and honor of the country which has enacted them."

In giving you this extract from the reply of the Council, I have deprived myself of time to furnish other interesting views, which I hope to be able to lay before you by the next mail.

The Georgia Commissioners ordered to this place by his Excellency the Governor, (of whose correspondence I have hitherto made report,) continue to interest themselves in the affairs of the Indians. I can no longer doubt but that the direct tendency, if not the real design of their measures, is obviously opposed to my efforts—a pacification of the late contending parties.

These Commissioners, consisting of four members, with a secretary and marshal, having approached me under the garb of politeness and patriotism, could not but receive from me the courtesy due to the high character which they were understood to sustain. Their conduct was at first apparently circumspect, as had been anticipated. But they

have, of late, laid aside much of their reserve and circumspection, and have manifested a disposition, on several occasions, to counteract my efforts, and more particularly those of Major Andrews, the Agent of the Government, whose labors have been incessant, and of whose unyielding industry, talents, and moral intrepidity, I take great pleasure to bear testimony.

The journal of my proceedings, which my aid-de-camp and acting secretary will shortly complete from his notes, together with the report of Major Andrews, will furnish ample evidence of the mischievous tendency of the course pursued by the Georgia Commissioners.

These measures tend directly to prevent the opposing parties from re-uniting, except upon the principle of unconditional submission, on the part of the nation, to the McIntosh party, and to the extravagant pretensions of the Governor of Georgia.

I have received no report of the actual movement of the troops. They will be required at this place, or upon Flint River, until the injudicious project of the Governor of surveying the land is abandoned or completed.

Enclosed I send you a copy of my letter to the chiefs and warriors in Georgia, notifying them to meet at Flint River, on Friday next, marked B.

With perfect respect,

I have the honor to be,

EDMUND P. GAINES,

*Maj. Gen. Com'g.*

THE HON. JAMES BARBOUR,  
*Secretary of War, Washington.*

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Enclosure B.

*General Gaines to the Indian Chiefs and Warriors in Georgia.*

HEAD-QUARTERS, EASTERN DEPARTMENT,  
*Creek Agency, July 3, 1825.*

*Friends, Chiefs, and Warriors:* I have seen the red People whom you suppose to be your enemies. I have heard them, and the evidence they have offered in their defence.

They consist of the principal chiefs of the Muscogee nation, and of more than nine-tenths of *all* the chiefs and head-men of the nation.

I met them in council at the Broken Arrow, the usual place of holding the Great National Council. I have received from them the most deliberate assurance of their willingness and determination to be friendly, and to be just to you and to the United States. They assure me that they never intended to injure you or your property. They regret the necessity which they believe existed for the measures they adopted against those charged with violating their laws. They invite all of you to return to your homes, and to live in peace with them as one family. They promise you protection and security in

your persons and property. Your property in the nation, and that now with you, will remain your own. Whatever has been destroyed or taken contrary to law will be restored to you or paid for, as soon as it can be ascertained; and a reasonable time will be allowed to those who have borrowed money from their national treasury to reimburse the same.

Assured of your willingness to comply with the just and pacific wishes of your Father, the President, and to prevent a ruinous war, which none but the worst of mischief-makers can desire, I have to request you to meet me on Friday next, at Joe Marshall's Ferry, on Flint River, where I will communicate to you the measures taken to ensure an exact fulfilment of all the promises which have been made to me in your behalf, and for your subsistence at the military post which I shall establish in the nation.

E. P. GAINES.

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*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Flint River, July 10, 1825.*

SIR: In compliance with my promise to the chiefs of the McIntosh party, I yesterday met them, near Marshall's Ferry, on this river. Having ascertained, early in the day, that they were unwilling to accede to the pacific propositions of the National Council, to restore to them their property, and to receive them as friends and brothers, I endeavored, by the various arguments which the peculiar and extraordinary circumstances of the case furnished, to convince them of the propriety of their immediate compliance. They have, accordingly, promised to return to their homes, upon the friendly conditions offered them, as soon as the troops shall have arrived at the Agency. Their views, as expressed by their principal chiefs, in council, are contained in the paper enclosed, herewith, marked A.

In reference to this paper, as well as that enclosed in my last, from the Council at Broken Arrow, I have to remark, that, finding it to be more satisfactory to the chiefs to employ disinterested persons, of their acquaintance, to commit their views to paper, than to attach their signatures to any such as was not of their own diction, I was of opinion that it was better to indulge them in their wishes in this particular, and bear with their apparent imperfections in point of form, than to operate upon their suspicions and jealousies (already too much excited) by urging them to sign papers not of their own production.

I am well aware that there are persons near me who may, probably, object to the policy or propriety of my having sanctioned the employment of the young Cherokee civilian, John Ridge, to draw up the resolutions of the Creek Council at Broken Arrow. My defece



of this measure may be comprised in a few words. John Ridge has acquired the advantages of civilization. He is intelligent, and he is honest; his feelings and principles are those of an American citizen. He is, nevertheless, very laudably devoted to the true interests of his red countrymen and neighbors, the Cherokees and Creeks.

The counsel, or even the combination of such men as John Ridge, cannot, in my judgment, constitute a fit subject for the grave objection or apprehension of an officer or a citizen of the United States. I should rejoice exceedingly if every Indian within our territorial limits, were, in all respects, equal to John Ridge. It appeared to me more proper that I should sanction the employment of his pen, than that it should be employed without such sanction; or that white persons, less informed, and, perhaps, less virtuous, should be employed in his place.

I have ascertained, beyond a doubt, that the chiefs of the McIntosh party, never assented to Governor Troup's project, of having the land in the late ceded territory surveyed before the month of September, 1826. Of this fact I was positively assured by the Council, through their Speaker, Joseph Marshall. They stated that they had heard of an application of this kind having been made to General McIntosh, shortly before his death; but that he replied he could not give his assent without assembling and consulting his chiefs and warriors; and, finally, that they were never assembled or consulted upon the subject. In corroboration of this statement, I enclose, herewith, marked B, the certificate of William Edwards and Joseph Marshall, who accompanied the express to McIntosh, with the Governor's application for permission to commence the surveys in question. I immediately notified the Council that the Governor had been, and would again be, urged not to commence the surveys until the time prescribed by the treaty for the Indians to move.

It is reported and believed, that the Governor is determined to commence the surveys forthwith, and that he will call out militia to protect the surveyors. I shall lose no time in remonstrating to him against the measure, as it would be almost certain to produce acts of violence upon the persons or property of the Indians. The militia once assembled in the Indian country, excited as they may be supposed to be, would, in all probability, avail themselves of the first disturbance, either real or fictitious, to attack and plunder those whose opposition to the treaty has marked them as enemies. To arrest this evil, I shall protest against the militia or surveyors being permitted to enter the Indian country in question.

The tardy movement of the troops from Louisiana and Pensacola, of whose advance I have no report, adds much to the inconveniences under which I labor. The continued absence of the troops for some weeks beyond the time at which I had reason to expect them, has put it into the power of the pretended friends of the McIntosh party to say, that the promised means of protection is withheld from them, and that, when they return to the nation, they will be left at the mercy of their enemies. This may furnish a pretext for calling out the mi-

litia, for which I have assured the Governor there is no sort of occasion. This extraordinary delay of the troops, under existing circumstances, suggests strongly the propriety of a maxim that can never be too much regarded, that, "if it be at all necessary to retain in service a military force, it is absolutely essential that every part of such force should be held at all times ready for action, in peace, as well as in war." Thus a force of any given number would generally find it to be practicable, and even convenient, to march within a day after the receipt of an order; or, at most, within three days. Thus would an army be put in motion, and wielded with as much facility as a single company, or a single individual.

With perfect respect, I have the honor to be,

EDMUND P. GAINES,

*Maj. Gen. by Bt. Com.*

The Hon. JAMES BARBOUR.

*Secretary of War.*

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Enclosure A.

*Talk of Indian Chiefs to General Gaines.*

9th July, 1825.

GENERAL: Your talk to-day we have heard, and have had it under consideration. We do not doubt but what you have acted agreeable to your instructions from the President, our Father, and we must express our thanks to your exertions in our behalf. We are sorry that there was a necessity for our leaving our homes, and, if every thing should have gone on as it ought to have done, it would never have been the case. We have been most cruelly imposed on. We were of the opinion, when we were treated with for the late land, that the President, our Father, had instructed the Commissioners to treat with us to the exclusion of others of the Creek nation; and, particularly, that we were to be protected from the encroachments of the whites, and the hostilities of all others, which certainly implied the Indians who were our enemies in consequence of signing the late treaty. When we signed this treaty, we calculated to move, in a short time, West of the Mississippi; but now, Sir, in consequence of the death of that man who was able, and had wisdom to manage for us in that far country, we most sincerely protest against leaving the country! inasmuch as that sacred promise which was made to us—that of protection and satisfaction in the event of depredations being committed—has been most cruelly violated. That promise was the cause of our agreeing to the treaty, with that of being moved peaceably to a far country. This promise was made as if though it came from the President, our Father, and we had no other calculations.

The consideration of the treaty, as we viewed it, has not only been violated in our case, but in many instances. Therefore, we see that the President, our Father, has advised measures, and you, who we have every confidence in, has promised that those measures shall be complied with.

We shall acquiesce in your propositions. It will be necessary for us to be furnished with provisions-until we can make them. We urge, if it is consistent with your instructions, for such as those who have families and stocks, be permitted to draw provision for a number of days together, so that they may have it in their power to take care of their property. Their situation to you, probably, is unknown. Their cattle and property is very much scattered, of which it will take some time for us to gather it together.

We further beg leave to state to you, that we have no desire to go to the nation until your troops arrive, and are stationed at the post designed for them. It will be very inconvenient for us to get provisions from Fort Mitchell. It will be tended with less expense to the Government for provisions to be deposited on the Chattahouchie in different places, or on Flint river: for there are a number of our People who have crops, and will liberally divide with us who have none. Therefore, we request that you make a small station of your troops somewhere on Flint river, and one also high up on Chattahouchie river, say at General McIntosh's Ferry. It will not be needed very long.

On taking our leave of you, we do assure you, that no hostilities on our part are intended to the Indians in the nation, should they continue to keep to the promise they made to you.

You are requested to inform our Father, the President, of the same, of which we will ever be your most humble servants, &c.

JOSEPH MARSHALL,

WM. MILLER,

INTERLIKY,

ARTIKAC TUSTENNUGGE,

his x mark.

his x mark.

his x mark.

Chiefs in behalf  
of their party.

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

Enclosure B.

*Certificate of Wm. Edwards and Joseph Marshall.*

We certify that we accompanied the express from Governor Troup to General McIntosh, conveying the request that he would allow the survey of the land acquired by the Treaty of the Indian Spring, to be immediately commenced.

General McIntosh replied that he could not grant the request, but would call the Chiefs together, and lay it before them; which was never done.

WILLIAM EDWARDS,  
JOSEPH MARSHALL.

ST. PORTESS, *Upson County, July 9, 1825.*

I certify that this a true copy from the original certificate, signed in my presence.

E. G. W. BUTLER, *Aid-de-Camp.*

*Secretary of War to General Gaines.*

DEPARTMENT OF WAR, July 11, 1825.

SIR: Yours of the 22d ultimo has been duly received.

It is a subject of regret that the unfortunate Indians should be practised upon by others, so as to increase the difficulties to an amicable settlement of the differences between the two parties. Taking it for granted that, left to themselves, they will insist only on the two points referred to by you in your letter, and supposing that one of them may be accommodated to their satisfaction, that of the payment of the money, it is hoped they yet may be brought to hearken to your admonition, and abandon any hostile purpose. The first, that of retaliation, is entirely inadmissible; and you will say to them, definitively, that it is not to be listened to. As to the distribution of the \$200,000 by the treaty, this sum, as well as the future payments, were intended for those who actually surrender their country and emigrate. Those who are not within the ceded country, who surrender nothing, and who do not emigrate, are not entitled to any part of the money. In the distribution of the \$200,000, this basis was intended to be assumed; and hence, the orders were specifically given, that the payment should depend upon the receivers consenting to the treaty which imposed this condition upon them—that of yielding their country; and emigrating peaceably. But, it was intended for *all* the Chiefs in this predicament, and not for a part. The pretension, which is set up by a fragment of the tribe, for all the money, because this fragment is disposed to emigrate, is inadmissible. The money is designed to embrace all the Indians of the ceded country. To pay the whole to a part, and that a small one, would be to do an act of injustice to the remainder, and to render it impracticable for them to remove. Let this be explained to them, and perhaps it may satisfy them. I forbear to enter more fully into the various subjects referred to in your letter, till we hear the result of your interview with the hostile party, which I look to with some anxiety. If they should acquiesce in the wishes of the Government, by agreeing to execute the provisions of the treaty, and, as a consequence, the immediate survey of the land ceded, every difficulty will be substantially removed. If, on the contrary, they refuse the one or the other, and Governor Troup should still press the survey, it presents a very grave question for decision, whose consequences you can readily appreciate. This question, of course, will not be settled until we receive further information from you.

I have, &c. &c. &c.

JAMES BARBOUR.

Maj. Gen. E. P. GAINES,  
*Creek Agency, Georgia.*

*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT.

*Indian Spring, July 18th, 1825.*

SIR: In my last, dated at Flint River, July 10th, I had the honor to report to you the result of my conference with the Chiefs of the McIntosh party, enclosing their written assent to the friendly conditions of a re-union with the great body of the Nation of Creek Indians.

On the 14th inst. I arrived at Monticello, Georgia, with a view to proceed to Milledgeville, and thence to the residence of the late Commissioners, Col. Campbell and Major Meriwether, to obtain from them, and deposite in the United States Branch Bank of Savannah, the 200,000 dollars in their hands.

While at Monticello on the 15th, I learned that Chilly McIntosh, who had failed to attend the conference at Marshall's Ferry, had sent an express to demand of the Commissioners the 200,000 dollars, and, that Col. Campbell had replied that he would visit the Indians at this place on the 16th. I immediately returned-hither in the expectation of meeting the Commissioners, and receiving the money; having no doubt, that, after removing to its proper place of deposite, this only remaining bone of contention, and putting an end to all unauthorized councils, the Indians would quietly return to their homes, and submit to measures which their Chiefs in Council have admitted to be just; measures which must tend effectually to thwart the avaricious and wicked designs of *a few desperate half-breeds and white men*; who, I am now convinced entered into and promoted the unauthorized proceedings which produced the treaty at this place, with a full knowledge of their incompetency, and of the viciousness of their designs.

I am now well convinced that these half-bloods, with all Indians of the party in favor of the Treaty, amounted to not more than one-fiftieth part of the Creek Nation; that they were not only not authorized to treat for lands, but were absolutely prohibited by a known law, and the often times repeated *will* of the Nation, from entering into any such treaty; that they [have] thus, without authority, agreed to cede to the United States, *more than four-fifths* of the whole country claimed by the Creek Nation; that is, the whole of their land lying within the chartered limits of the State of Georgia, East of Alabama, and near two-thirds of that within the last mentioned State; that one of the objects of this party, was to obtain, by fraud, the 200,000 dollars in question, by falsely representing themselves to be "*the emigrating party,*" *when in truth, they did not constitute more than one-thirtieth part of the Indians actually inhabiting the ceded lands referred to in Georgia and Alabama*: consequently, if the 200,000 dollars should be paid to this self-created treaty-making party—this *ostensible* emigrating party—then it must be evident, that, at least twenty-nine thirtieths of the Indians who will be compelled to remove, and who must therefore be viewed as the *actual* emigrating party, would be deprived of their lawful share of the \$200,000.

But I have been disappointed in my efforts to see the Commissioners. I have therefore detached my Aid-de camp, Lieut. Butler, with an order to visit, and receive the money from them, and to deposit at Savannah pursuant to your instructions.

To correct numerous misrepresentations that have been made upon the subject of my conferences with the Indians, I have, with some reluctance, followed the example of His Excellency Governor Troup, and order the publication of my letter to him of the tenth, referred to in my last to you; a copy of which I enclose, herewith. It should have accompanied mine to you of the same date, but I had not time to prepare or obtain a copy.

I have not yet received His Excellency's reply. Report says he is resolved to proceed with the surveys of the ceded Territory.

From a deliberate review of the treaty, with my instructions from your Department of the 18th and 20th May, with those of the 15th June, 1825, I have come to the conclusion that, inasmuch as the latter, (enclosing a strong admonitory appeal to the Governor's discretion and patriotism) must have been dictated under an impression that the McIntosh party had assented to the surveys being commenced previous to September, 1826; and that this little party, alone, occupied the ceded Territory, within the limits of Georgia; which was not the fact, in either case; I cannot but anticipate the receipt of orders, absolutely prohibiting the surveys in question, and I have deemed it proper to make my arrangements accordingly, and to persevere in remonstrating against a measure, the inevitable tendency of which, would be to violate the treaty; to counteract our efforts, in extending *promised* effectual protection to the friendly Indians; and to produce a war, vexatious and expensive to the United States, disgraceful to those by whose indiscreet precipitation it may be produced, as it will be disastrous to both parties of the Indians, unnecessarily and criminally involved in its horrors and consequences.

Chilly McIntosh\* and a few others, permit themselves to listen to secret and unauthorized council, to persist in the favorite schemes of revenge. Should the surveys be commenced, and these weak, deluded, and unprincipled wretches be employed with an undisciplined force, some pretext will, in all probability, be created, for palliating an incursion into the Nation, against the pretended *hostile* party; whose lives and property may fall an easy prey to combined treachery, rapine, and barbarism. The most probable scheme, will be for these half-bloods to massacre a white man, or a family, on this frontier, and obtain proof that the outrage was committed by the Broken Arrow, or Tuckabatchee Indians. The evils of an exterminating war would then commence, and it might proceed to an incalculable extent before the General Government could arrest its progress. Our regular forces would necessarily, and unavoidably, be engaged against the

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\* Chilly McIntosh is without any decided character, either good or bad; and he would be perfectly harmless, if he were left to himself; but he confides in the counsel of men, whose constant purpose, in reference to the Indians, is, to confuse and divide them, and profit by their misfortunes.

Indians thus put in the wrong, and would act upon the principle that "we must triumph, right or wrong."

The primary duty to which my attention has been called, "to protect the friendly Indians from violence," cannot be effectually accomplished as required by the treaty, without a rigid enforcement of our laws regulating intercourse with Indians in every part of the country they occupy, ceded or unceded, until the time arrives at which they are required to depart therefrom.

The temperate men of both parties with whom I have conversed, and from whom I have heard, in this State, concur in the opinion, that the surveys ought not, nor cannot consistently with the treaty, be commenced until the month of September, 1826. Very few indeed, but the most zealous political chieftains, of one of the two great parties of the State, attempt to sustain this favorite project of Governor Troup. One of the most able, independent, and distinguished men of the State, friendly to the Governor's party, unhesitatingly expressed to me his regret that the Governor had embarked in the measure of surveying the land, previous to the departure of the Indians, as it could not be sustained.

The planters and farmers of all descriptions in this quarter, a class of the community who form in every State the *Herculean pillars of the Union*, are very generally in favor of the steady and undeviating course of even-handed justice and equity. At least nine-tenths of those with whom I have conversed, are decidedly in favor of this course. They do indeed wish to obtain the land treated for, but they abhor the idea of resorting to fraud and deception for its attainment.

I have learned that some of the half-bloods in this quarter, have inadvertently disclosed an intention of making a secret effort to kill the Little Prince, and some other chiefs in the Nation. I have told them that, if they attempt such an outrage, I will seize and punish the offenders; that my object is to protect the *friendly* and *peaceable*, against the *vicious* of both parties, and of all colors. I have called Colonel Chamber's attention to this subject, who, I have reason to believe, is, by this time, in the Nation, with the Troops. I send, herewith, to the Adjutant General, a copy of my orders to Colonel Chambers.

Should Governor Troup abandon his rash project of surveying the land before he is authorized by the treaty to take possession, I shall, in this case, resume my inspection of the right wing of this Department, as soon as I am advised of the arrival of the troops in the Creek Nation.

I have drawn pursuant to your letter of instruction, dated 18th May, on the Branch Bank of the United States, at Savannah, for \$12,000. This sum has been in part, and will be principally, applied to defraying the expense of subsisting the Indians, with some incidental expenses; the remaining balance will be turned over to the Assistant Commissary of Subsistence, ordered to this place to settle these accounts.

With perfect respect, I have the honor to be,

EDMUND P. GAINES,

Maj. Gen. by Brevet, Com'g.

The Hon. JAMES BARBOUR, Secretary of War.

Enclosure in Gen. Gaines' letter to Gov. Troup.

HEAD QUARTERS, EASTERN DEPARTMENT,

*Flint River, July 10th, 1825.*

SIR: The excessive heat of the weather, added to the many inconveniences and interruptions which I have daily encountered in the course of my visit to the Creek nation, has deprived me of the pleasure of writing to your Excellency as often, or as fully, as I have been desirous of doing.

I have now the honor, without entering into details that could afford but little interest, to communicate to you the result of my conferences with the Indians. After meeting in this State, the Chiefs of McIntosh party, and, at Broken Arrow, those of the opposite party, and hearing their respective statements, with the evidence for and against each party, I have urged them to an adjustment of differences, to which they have mutually assented.

The McIntosh party demanded retaliation for their fallen Chiefs, with the immediate restoration of property taken or destroyed.

Their demands were founded on the 8th article of the treaty of February last, which promises, on our part, protection to the emigrating party, against the whites and all others, which party they (the followers of General McIntosh) assumed themselves, exclusively, to be.

Whether this provision of the Treaty was, or was not, intended to protect the Creek Indians against themselves, or to protect a comparatively small part of them against the main body of the nation, were questions which I was happily not called upon to decide: as, in the event of hostilities having subsided, my instructions simply required me to make peace upon just principles, and to require the complainants, as well as the opposing party, to abstain from acts of retaliation or violence. The reputed hostile party consists of all the principal Chiefs, and of nearly *forty-nine fiftieths* of the whole of the chiefs, head men, and warriors, of the nation, among whom I recognized many who were in our service during the late war, and who, to my certain knowledge, have been for twenty years past (and I think they have been at all times) as friendly to the United States as any of our Indian neighbors could have been known to be. I met them at Broken Arrow, the usual place of holding the great Council of the nation. I could not, therefore, but view this supposed hostile party as, in fact and in truth, the *Creek nation*, and altogether free of the spirit of hostility ascribed to them. I have received from them, in Council assembled, the most deliberate assurance of their determination to be peaceable and friendly towards their absent People, as well as towards the United States.

They regretted the necessity which they contend existed for the strong measures they adopted against General McIntosh and others, who, they affirm, forfeited and lost their lives by having violated a well-known law of the nation. They have engaged to restore property taken, and to pay for all that has been destroyed contrary to law;



and they promised to allow a reasonable time for those who had borrowed and run off with money out of their National Treasury, to reimburse the same. The Council strongly and unanimously objected to the late treaty as the offspring of fraud, entered into contrary to the known law, and determined will of the nation, and by persons not authorized to treat. They refuse to receive any part of the consideration money due under the treaty, or to give any other evidence of their acquiescence in it. In conclusion, they expressed the hope that their white friends would pity their deplorable condition, and would do them the justice to reconsider, "and undo that which has been wrongfully done." I have, pursuant to my instructions from the Department of War, endeavored to convince the Council, but without success, of the fallacy of their objections to the treaty, and to dissipate their delusive hopes that it can ever be annulled. I have assured them in all our treaties with the Powers of Europe, as well as with nearly fifty Indian nations, there has not been one instance, to my knowledge, of a treaty having been revoked or annulled, after being duly ratified, except by the free consent of all the parties to it, or by war.

I yesterday met in Council, near Joseph Marshall's, the Chiefs of the McIntosh party, and communicated to them the proposition of the Council at Broken Arrow, to which they acceded. They promise to return to their homes, as soon as they are advised of the arrival of the United States' troops, ordered from Louisiana and Pensacola to the Creek Agency at Chattahoochee. The chiefs of both parties have distinctly and solemnly assured me that they will remain at peace with each other, and that they will, in no case, raise an arm against the citizens of the United States. Under these circumstances, it is my duty to notify your Excellency that there will be no occasion for calling into service any part of the militia or volunteers of the State over which you preside. The certificate of which I enclose, herewith, a copy, marked A, added to the declaration of the Chiefs in Council, of whom Joseph Marshall was the Principal and Interpreter, prove that your Excellency has been greatly deceived in supposing that the McIntosh party ever consented to the surveying of the ceded territory being commenced before the time set forth in the treaty for their removal. This fact, giving altogether a new aspect to the subject of the proposed survey of the land, added to a strong conviction on my mind, that the attempt to make the survey would be a positive violation of the treaty, and will, under existing causes of excitement, be certain to produce acts of violence upon the persons or property of unoffending Indians who we are bound to protect; it becomes my duty to remonstrate against the surveys being commenced until the Indians shall have removed, agreeably to the treaty. I cannot doubt that the facts disclosed by the accompanying certificate, with the concurrent testimony of the Chiefs in Council, will induce your Excellency, without hesitation, to abandon the project of surveying the land before the month of September, 1826. This will be particularly gratifying to me, as it will relieve me of the painful duty of acting

*not in concert with the venerated authorities of an enlightened and patriotic member of the United States, to whom I stand pledged by every principle of honor, and under the solemnity of an oath, to serve them honorably and faithfully.*

I offer to you every assurance of high consideration and respect.

EDMUND P. GAINES,

*Maj. Gen. Com'g.*

To his Excellency G. M. TROUP,  
*Governor of the State of Georgia.*

*The Secretary of War to General Gaines.*

DEPARTMENT OF WAR, July 21, 1825.

SIR: Yours of the 4th inst. has been duly received, with the accompanying documents.

I am directed by the President to express his regret at the failure of your efforts to reconcile the Creeks to an acquiescence in the treaty made at the Indian Springs, as it was his sincere desire to have seen it carried into effect. But the determined opposition of the Indians to the treaty itself, on the alleged grounds of intrigue and treachery on the part of the portion of the tribe negotiating the treaty, as well as the smallness of their numbers, from which they argue its invalidity, and their solemn appeal to the justice and magnanimity of the United States, creates such an obligation that we should, at least, pause before we proceed, or permit others to do so, until these allegations can be thoroughly investigated, and their effect decided by the proper authority, the more especially as the 8th article of the treaty gives till September of the next year before the treaty is to be carried into effect, and guaranties them from encroachment till that time. It is in this posture of affairs Governor Troup insists that he will survey the lands. A collision, by overt acts, between the Executive of the Union and that of a State, is so against the theory of the Constitution, and so repugnant to the feelings of the President, that he would determine only under a solemn sense of duty, to do an act by which so serious a result would be produced. If Governor Troup should, however, persevere in his declared purpose of surveying the land, against the repeated remonstrances of this Department, it will present one of the most unfortunate events which have yet occurred in our history. Its possible occurrence has induced the President to weigh it with the deliberate circumspection made necessary, as well by its serious consequences, as its high responsibility. His decision thereon has been made and transmitted to Governor Troup, in a letter of this day, a copy of which I enclose for your information, and by which you will learn the line of conduct which he, the President, has prescribed to himself.

It is still devoutly to be hoped that Governor Troup will abstain from any act that may make it necessary to have recourse to the steps suggested : yet, should he persevere in sending persons to survey the lands embraced within the treaty, you are hereby authorized to employ the military to prevent their entrance on the Indian territory ; or, if they should succeed in entering the country, to cause them to be arrested, and turn them over to the judicial authority, to be dealt with as the law directs.

I have only to add that I have transmitted to Governor Troup a copy of this communication.

I have, &c. &c. &c.

JAMES BARBOUR.

Maj. Gen. E. P. GAINES,  
U. S. Army, Milledgeville, Georgia.

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Enclosure in the Secretary of War's letter to General Gaines.

*The Secretary of War to Governor Troup.*

DEPARTMENT OF WAR, July 21, 1825.

SIR : Your letter of the 25th June, addressed to Major Vandeventer, has been received. The answer to which, has been intentionally delayed till the result of General Gaines' interview with the Indians at Broken Arrow should be received, as the President had anxiously hoped, in the acquiescence of the Indians to the treaty, to have found the necessity of replying to your inquiries entirely obviated. But, as the communications from Gen. Gaines, recently received, have entirely destroyed that hope, a reply has become necessary. The Indians, to the number of 1890, including a large majority of their chiefs and head-men of the tribe, have denounced the treaty, as tainted alike with intrigue and treachery, and as an act of a very small portion of the tribe, against the express determination of a very large majority—a determination known to the Commissioners. They urge that, to enforce a compliance with an instrument thus obtained, would illy become either the justice or magnanimity of the United States, under which they claim to take shelter. These are allegations presenting a question beyond the cognizance of the Executive, and necessarily refers itself to Congress, whose attention will be called to it on an early day after the next annual meeting. Meanwhile the President, acting on the treaty as though its validity had not been impeached, finds, by reference to the 8th article of the treaty, the faith of the United States solemnly pledged to protect the Creek Indians from any encroachment, till their removal in September, 1826. He therefore decides, that the entering upon and surveying their lands before that period, would be an infraction of the treaty, whose interpretation and execution, should it remain uncanceled, are alike confided to him. I am, therefore, directed by the President, to

state, distinctly, to your Excellency that, for the present, he will not permit such entry or survey to be made.

The pain the President has felt in coming to this decision, is diminished by the recollection that it interferes with no duty imposed on your Excellency by the laws of Georgia, as a discretion is given you by the late law of the Legislature, in prescribing the time when the lands embraced in the treaty shall be surveyed. Under all the circumstances, the President permits himself to hope that you will acquiesce in his decision. As General Gaines has been in communication with you on this subject, and as it is the wish of the President you should be in possession of every measure he may find himself constrained to take thereon, I am directed to enclose to your Excellency a copy of Gen. Gaines' instructions of this date.

I have &c. &c. &c.

JAMES BARBOUR.

His Exc'y G. M. TROUP,  
*Governor of Georgia, Milledgeville.*

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*Secretary of War to General Gaines.*

DEPARTMENT OF WAR,

July 22, 1825.

GENERAL: The evidence furnished by the proceedings of the Indians at Broken Arrow, as also your statements and Maj. Andrews', of their pacific views, justify the President in concluding that the exiles may now return, in perfect safety, to their homes; and hence the necessity has ceased of subsisting them. Unless, therefore, you think such return would involve their safety, you will state to them that, after a reasonable time, supplies will no longer be issued to them. In fixing that period, you will be governed by your discretion, which will be influenced by what is due to humanity, as well as to economy. I doubt not but you have duly impressed the party at home of the consequences which would result, if they should presume to violate their most solemn engagements made in behalf of the exiles.

I have the honor, &c. &c.

JAMES BARBOUR.

General GAINES.

I certify the foregoing to be a correct copy from the record of this Office.

C. VANDEVENTER.

War Department, July 23, 1825.

*Secretary of War to Major Andrews.*

DEPARTMENT OF WAR,

July 23d, 1825.

SIR: Yours of the 4th instant has been received. Among the documents accompanying it, is your correspondence with the Governor of Georgia on the subject of your letter of ——— to Mr. Crowell. These papers have been laid before the President, who instructs me to say to you, that he disapproves of so much of the letter addressed to Mr. Crowell, as notices and censures the proceedings of the Legislature of Georgia. The harmony between the General and State Governments, so essential to their mutual success, require that their officers, respectively, carefully abstain from censuring, unnecessarily, the proceedings of either; and, indeed, by avoiding, as far as practicable, every act calculated to produce unkind feelings. And the President regrets to see that you were not sufficiently regardful of those maxims in the letter above alluded to. He is aware, however, that you have been compelled to take your measures promptly, unaided by the counsels of others. In these circumstances, as well as in the intrinsic difficulties which have attended the discharge of the delicate trust committed to you, he sees the sources of what he is satisfied was an unintentional error.

I have, &amp;c.

JAMES BARBOUR.

Maj. T. P. ANDREWS,  
Milledgeville, Georgia.

*Major Andrews to the Secretary of War.*

MILLEDGEVILLE, GEORGIA,

July 22, 1825.

SIR: I have the honor to inform you that I arrived at this place on the 18th instant, from Chatahoochie river, via the Creek Agency, on Flint river, and the Indian Springs, in Monroe county, Georgia. I left General Gaines on the 17th, at the latter place, where he will be compelled to remain for six or ten days, to counteract the efforts of designing and vicious men, on the McIntosh party of Indians. Those Indians, from the interference of men who are governed by unworthy motives, have become somewhat dissatisfied and restive, and but for the determination of the General to remain with them until he has heard of the certain arrival of his troops in the Nation, were likely to have proved turbulent and mischievous. He had previously promised not to require them to return to the Nation until his troops had arrived. So soon as he has learnt the certain arrival of the troops, he will insist on their going into the Nation. I presume the General has or will inform you of all particulars.

I am now engaged examining the evidence already taken, and waiting to receive what is still in the hands of the Agent, and to hear his defence, which he is now preparing. I hope to arrive at Washington in eight or ten days after you have received this letter, unless I should, before leaving this, receive orders to the contrary.

I have now the honor to send you, herewith, the correspondence mentioned in my letter of the 4th instant, viz :

No. 1. Letter from the Governor of Georgia, dated 20th June, at Milledgeville.

No. 2. Copy of my answer to said letter, dated the 23d June, at Flint river.

No. 3. Letter from the Governor of Georgia, dated the 18th June, 1825, at Milledgeville.

No. 4. Letter from the Governor of Georgia, dated 27th June, 1825, at Milledgeville. (The two last letters were answered by my letter to the Governor of the 4th instant, a copy of which has been forwarded.)

No. 5. Letter from the Board of Commissioners of Georgia, dated Fort Mitchell, 25th of June, 1825.

No. 6. Copy of my answer to last mentioned letter, dated Princeton, June 27, 1825.

No. 7. Letter from the Commissioners of Georgia to General Gaines, dated the 1st July, 1825.

No. 8. Copy of my letter to the Commissioners of Georgia of same date ; the letter and subject having been referred to me by Gen. Gaines.

No. 9. Letter from the Commissioners of Georgia to the Special Agent, bearing the same date with the preceding ; and

No. 10. Being a copy of my answer to the letter last mentioned, which closed my correspondence with the authorities of Georgia.

I have the honor, &c.

T. P. ANDREWS,  
*Special Agent.*

To the Hon. JAMES BARBOUR,  
*Secretary of War,  
City of Washington.*

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Enclosure No. 1.

*Governor Troup to Major Andrews.*

EXECUTIVE DEPARTMENT,  
*Milledgeville, 20th June, 1825.*

SIR : I have this moment received your letter of the 18th instant, dated at the Creek Agency. The printing of the documents and evidence having relation to the disorders in the nation, and to the charges exhibited by this Government, will be completed, it is understood, in

the course of the day ; so that a copy will be furnished for your use in the course of to-morrow.

The commission authorized by the Legislature to take further testimony, will, for that purpose, proceed forthwith to the nation, and under orders to make all possible despatch.

You have widely mistaken me, if you believe that any disposition exists here to withhold from the Agent the most ample means for justifying himself to his Government, much less any desire for the performance of an act on your part that would savor of oppression ; on the contrary, this Government desires that the fairest opportunity shall be afforded the accused of profiting of every description of testimony, which may be available for his complete vindication, free from any obstacles or embarrassments which it might have the power to interpose. It was in this spirit that my instructions to the commission were drafted ; and although it was known that the Agent had disclaimed the authority of the Government of Georgia to interfere ; and that, therefore, there was little probability of seeking the benefit of a particular instruction ; nevertheless an instruction has been given, which will admit him, at his pleasure, to be present at the investigation on our part, and to exercise the right of cross-examination freely. Moreover, I can add, with great sincerity, that it will give me pleasure, at any time, to contribute aids and facilities to his defence : for whatever I may believe of the guilt or innocence of the Agent, I trust that one and all of us, for the honor of our human nature, would gladly see him vindicated and justified against such charges as have been preferred by this Government. Whilst, however, this assurance is given, it is nevertheless true, that you have very much misconceived the sentence of my message, which, according to your construction of it, implies doubt of the guilt of the Agent. No such doubt exists. It was not said that the Agent had not committed crimes, because it was not intended to say so. It was enough that the Agent had been charged with the commission of them ; and having exhibited the charges, I presume you would not have been insensible to the indelicacy of the accuser passing sentence upon the accused. But, whilst this was purposely avoided there, I can very freely make known to you here, that if, instead of passing upon the guilt or innocence of the accused, I had been stating my belief, from the evidence even now disclosed, and ex parte as it may be, I should have said, without hesitation, that, with respect to the one charge, I believed him guilty of that beyond the possibility of refutation ; and that, with regard to the other, he was so far innocent only, as he was not present at the time and place, inflicting the blows with his own hands. Taking very opposite views of the subject, you seem to have yielded a reluctant and ungracious assent to the suspension of the Agent, and, indeed, to indulge a little the language of complaint, lest injury might, by possibility, result from it to the accused. Be persuaded, Sir, that this act of suspension is in no respect personally gratifying to me, nor were feelings of any kind connected with my suggestion of the propriety of it, but those which yourself must have indulged for the successful fulfilment

of the objects of your mission. I repeat what was before alleged in support of that suggestion, that it could not be conceived how it would be possible for you to make any, the least, advance to the attainment of truth, or to the pacification of the Indians, without it as a first and indispensable measure. The friendly chiefs had already given your Government to understand that they would never consent to commit themselves again to the protection of the Agent : and you were almost present to witness that, by the power and influence of his office, the hostile chiefs had been convoked, and a declaration of the innocence of the Agent either extorted, or otherwise obtained, and this, too, just before the period had arrived at which General Gaines and yourself were to convene the same Indians, for the purpose of obtaining from them, fairly and honestly, the truth ; a fact well known to the Agent, but which fact did not prevent him from thus forestalling and anticipating you.

When you permit yourself to say, that the Agent "has not been, so far as the investigation has been pursued by the authorities of Georgia, informed of the nature and cause of the accusation," you will suffer me to answer, that this has been no omission of ours, but of yours. It was part of your duty to have notified the Agent, so soon as the charges were received, of the existence of those charges ; and with regard to specifications, I assure you, that, unless for some very useful purpose to the interests of Georgia, I would not take the trouble to set down to paper to make them. The Agent is charged with instigating the Indians to the commission of the crime of murder, and with predetermined resolution to prevent the Indians from making cession of their territory, so long as a certain person was at the head of the Government in Georgia, ; and these, in all reason, are specifications enough.

We are not exhibiting charges against the Agent, as offending the martial law, to which a long detail of specifications, according to custom, may be subjoined. If your Government wants further specification, it must seek it elsewhere ; and this, Sir, is obviously the mistaken bias under which you and your Government labor. You are willing to resolve every thing into prejudice against the Agent for his protection : Whereas it is notorious, that the prejudice of your Government has been so far advantageous to him, that it is very difficult to subdue it by any kind of evidence.

With respect to the right of confrontation with the witnesses against him, "there is abundant time for that, when, after the finding of a true bill, he shall be arraigned at the bar of justice ; and with regard to his "not having compulsory process for obtaining witnesses in his favor, as required by the sacred instrument which guards the rights of all," I pledge you my word of honor, that, whenever I shall hear of such gross injustice being done him by any competent and authorized tribunal before which he may be cited, I will consider it as an injury done to myself ; and, if done by a tribunal within our jurisdiction, and of course punishable for offences committed under our Constitution and laws, so far as depends on me, the utmost efforts will be made



to bring to punishment all or any public agents concerned in so offending.

The documents are in a course of publication by order of the Legislature—having previously been made public by that body itself, in the most formal manner, it is not seen that any further publication of them can operate injuriously to the Agent: for it would seem to be better, even on his own account, that, after so much had been made known of their contents, all should be known, and that nothing should be left for inference or conjecture; especially, too, as the public understanding the character of the evidence to be *ex parte*, will be able to estimate it at what it may be worth. It may be proper to add, that, by a special and positive resolution, the Governor is directed to cause them to be distributed through all the counties as soon as they are printed, and you are already informed that the printing will be completed in the course of to-day.

With great respect and consideration,

G. M. TROUP.

Major T. P. ANDREWS,  
*Special Agent.*

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Enclosure No. 2.

*Major Andrews to Governor Troup.*

CREEK AGENCY, FLINT RIVER,

June 23, 1825.

SIR: I do myself the honor to acknowledge the receipt of your letter of the 20th instant, this day received from your Aid-de-Camp, Colonel Jones, from whom I have also received a copy of the documents which accompanied your Excellency's Message of the 23d of May, to the Legislature.

Your Excellency appears to entertain an impression that I had expressed a belief, in my letter of the 18th instant, that a *disposition* exists on the part of the authorities of Georgia, to withhold from the Agent the means of justifying himself to his Government, and that you had also shewn a wish that I should, by complying with your repeated and urgent requests, both verbally and in writing, to suspend the Agent, enter into proceedings against him, before his trial, which might savor of oppression. At the same time that I take advantage of the first possible moment to disclaim, in the fullest manner, entertaining for a moment a belief as to any such *disposition* or intention, yet your Excellency will excuse me for remarking that, although I could not, for an instant, entertain a belief that such intentions actuated the authorities of Georgia, that their acts must inevitably have that unjust and oppressive operation on the Agent. It is impossible that authorities so exalted, could wish to act oppressively or unjustly to-

wards an humble individual under trial; but it is equally impossible for an unprejudiced person to withhold the belief that their proceedings, (in the absence of any but the fairest intentions,) have had those effects on the interests and feelings of the individual referred to.

You remark that, "by the power and influence of his office, the hostile chiefs had been convoked, and a declaration of the innocence of the Agent either extorted, or otherwise obtained, and this, too, just before the period had arrived at which Gen. Gaines and myself were to convene the same Indians, for the purpose of obtaining from them, fairly and honestly, the truth—a fact well known to the Agent, but which fact did not prevent him from thus forestalling and anticipating us." I am satisfied it is only necessary to induce you to do him justice, in your good opinion, in relation to that particular transaction, to remind your Excellency that those documents were procured by the Agent from the Indians, before it was possible for the Agent to know that General Gaines, or an Agent of the Government, were ordered here. I arrived at Milledgeville on the 31st of May, and Gen. Gaines on the 12th or 13th of June; and the documents referred to, as procured by the Agent, from the Indians, are dated on the 14th of May! Indeed they were procured from the Indians six days before General Gaines' orders were issued at Washington, and the same number of days before I was appointed the Special Agent of the Government. They were shown to me the day I reached Milledgeville.

In your remark, that it was part of my duty to have notified the Agent, so soon as the charges were received, of the existence of those charges, your Excellency inadvertently overlooks the fact, that, in my letter of the 31st of May, it was made known to you that it was expressly contemplated by my Government that the specifications and evidence should accompany the charges, as an act of justice to the accused, to enable him "to defend himself before his Government with as little delay as possible." It was so contemplated by the General Government, because of the intention of having a fair, and, consequently, "a speedy trial." The utter impossibility of replying to charges of crimes not dated or located, referred to in general terms only, and the consequent injustice to the accused, is certainly also inadvertently overlooked by your Excellency.

Your Excellency is pleased to remark, in substance, that, when, "after the finding of a true bill, the Agent shall be arraigned at the bar of justice," there is "abundant time for confronting him with the witnesses against him!" You remark, also, with regard to his not having "compulsory process for obtaining witnesses in his favor," as required by the sacred instrument which guards the rights of all, "that, wherever you shall hear of such gross injustice being done him by any competent and authorized tribunal before which he may be cited," you will "bring to punishment all or any public Agent concerned in so offending." The multiplicity and importance of your high duties, has caused your Excellency to forget that, before even the finding of the bill, and consequently before the trial, the punishment of the Court has been loudly demanded (the dismissal of the Agent) in the report and resolution adopted by the Legislature.

I did not, as your Excellency seems to suppose, allude to the publication of the evidence in the form of a document or pamphlet; I was aware that the Legislature had so ordered the publication; and should have considered it as highly indecorous and improper to have asked the violation of its injunctions. I alluded solely, as my letter will show, to the publication, depending on the will of your Excellency, of the evidence, admitted by all to be *ex parte*, in the newspapers. The suggestion, however, was merely submitted, with great deference, for your consideration.

With a respectful protest against the supposed prejudices ascribed to the General Government and to its Agent, and of a free acknowledgment of the high-minded resolutions and sentiments of an opposite tenor, interspersed through the letter of your Excellency, the latter of which only do justice to your great talents and high character,

I remain, &c. &c.

T. P. ANDREWS,

*Special Agent.*

To his Excellency G. M. TROUP,

Governor of Georgia, Milledgeville, Geo.

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Enclosure No. 3.

Governor Troup to Major T. P. Andrews.

EXECUTIVE DEPARTMENT,

Milledgeville, 18th June, 1825.

SIR: From the course recently pursued by the Agent, in procuring from the Chiefs of the hostile Indians under the influence of his office, and from the Missionaries, their attestation to his innocence, the Commissioners, appointed under the authority of the Legislature, are directed to proceed to Broken Arrow, to participate in the councils to be holden there, on the 25th instant, so far as they have for their objects the collection of facts and development of truths, as connected with the late disturbances in the nation, and the charges exhibited by this Government against the Agent of the United States for Indian Affairs. They are instructed, specially, to avoid any interference, unless solicited, with the political arrangements or negotiations between the United States and the Indians, which appertain exclusively to the relations and interests subsisting between them, and to which the State of Georgia is no party.

It is hoped, and expected, that this measure will meet your concurrence and approbation.

With great respect, &c.

G. M. TROUP.

Major T. P. ANDREWS,

*Special Agent.*

Enclosure No. 4.

*Governor Troup to Major T. P. Andrews.***EXECUTIVE DEPARTMENT,***Milledgeville, 27th June, 1825.*

**SIR:** I have this moment received your letter of the 23d instant. It gives me great pleasure to correct, without delay, an error into which I had fallen, in consequence of not adverting particularly to the date of the certificate obtained from the Indians by the Agent, and published as part of his defence in one of the last papers. From a comparison of dates, it does appear that that certificate was obtained before the Agent knew that yourself and General Gaines would proceed to Broken Arrow to convene a council, or institute an inquiry. Whilst this correction, therefore, is most cheerfully made, you cannot but admit the utter immateriality of it, to the Agent, for any objects or interests of his: for the fact still turns out to be, that, whilst the Agent, in procuring that certificate, did not intend to forestall, in particular, General Gaines and yourself, in making a certain examination, he did well know that it would forestall General Gaines, or yourself, or any others whom your Government might, at any time, depute to make any examination there: and this is the fact, and the only fact of any consequence to the argument.

On the subject of the specification to which you have again called my attention, I have only to remark, that, if your Government pleases to forbear further inquiry or investigation into the conduct of the Agent, either because it derives no specifications from me, or because those specifications are not precisely such, in manner and form, as are agreeable itself, it has the power to do so. But if your Government has not found matter enough for specifications, (if indeed they be at all important,) in the public accredited documents; or, finding it there in ample abundance, shall not choose to frame them for itself, I assure you, Sir, I would not know where to proceed to look for it, even if I believed it (as I do not) to be my duty to furnish those specifications.

When time shall have disclosed that I was mistaken, in attributing prejudice to your Government in behalf of its Agent, although that belief has not been assumed upon light grounds, and is so far sustained by the occurrences of every day, I assure you, Sir, I shall proceed, without delay, to render to it the fullest measure of justice which injured honor could require from a deceived accuser.

Very respectfully, &amp;c.

**G. M. TROUP.**

**Major T. P. ANDREWS,**  
*Special Agent, U. S.*

Enclosure No. 5.

*The Commissioners of Georgia to Major Andrews.*

FORT MITCHELL, June 25th, 1825.

MAJOR T. P. ANDREWS.

SIR: We were not a little surprised to hear from yourself this evening, that you were unacquainted with the object for which we were taking testimony. We were then of opinion, and upon examination have become confirmed in that opinion, that the papers which have been submitted, are sufficiently explicit. By a reference to the letter of the Governor of Georgia to you, of the 20th instant, you will find, he says, "The Commissioners authorized by the Legislature to take further testimony, will, for that purpose, proceed forthwith to the nation, and under orders to make all possible despatch." By a reference to the printed documents, delivered to you at the Agency on Flint river, you will see a copy of the resolution referred to. To these, we can add nothing, which will convey, in stronger terms, the object of taking the testimony, unless, perhaps, it may be necessary to remind you of the charges preferred by the Governor of Georgia.

While you seem ignorant of the object of our appointment, we presume that does not extend to the appointment itself. To avoid, however, any possible mistake, we would beg leave to refer to the conversation which took place between you and Col. Jones, at the Agency, in which you inquired, if any mutual arrangement had been made between Col. Crowell and the Commissioners; whether we would re-examine the witnesses sworn before the Committee, to enable Colonel Crowell to cross-examine them; and whether we would assist him to compel witnesses to testify who might refuse. We would, also, remind you of the inquiry you again made this evening, whether we and Col. Crowell had made any arrangement, &c.

We regret we have been compelled to be thus minute, and feel more regret to remark, that our object can be recognized, when it is necessary to make inquiries for the benefit of Col. Crowell, lest injustice may be done him, and when inquiries are made of you to facilitate the business, and quiet conscientious scruples, you should decline to give any answer, and thereby (we hope unintentionally) throw difficulties in our way, already sufficiently obstructed. We would beg leave further to remark, that, while the testimony, which has been taken against Col. Crowell, has been made public, and he has had every opportunity of seeing and disproving it, (if in his power,) and while our instructions are positive to permit him to be present, and cross-examine the witnesses, complaint has been made by you "of the appalling influence and power of the Executive and Legislative branches of the Government of Georgia," you have not thought proper to apprise either the Governor or ourselves of the testimony which "has already been shewn you by the Agent," in his own favor, or that to which you referred to day, which had been shown you in favor of Hamblly the Interpreter. As we could not doubt the ascertainment of truth to be the object of *your mission*, we could not be insensible of this difference; and we

hope a second reading of the papers we have referred to, will satisfy you fully of the objects of our appointment, and have the honor to be with consideration and respect,

WARREN JOURDAN,  
SEABORN JONES,  
WILLIAM H. TORRENCE,  
*Commissioners.*

To T. P. ANDREWS,  
*Special Agent.*

Enclosure No. 6.

*Major Andrews to the Commissioners of Georgia,*

PRINCETON, NEAR BROKEN ARROW,

June 27, 1825.

GENTLEMEN: I received your letter dated the 25th, last evening, and was not a little surprised at the misapprehension, on your part, which appears to have rendered such a letter necessary.

You remark that you were surprised to hear me remark, on the 25th, in reply to your observation of Colonel Jones, that I was unacquainted with the object for which you were taking testimony; I must deny, in the most positive manner, having made any remark which would fairly justify such a construction. In your conversation with the Rev. Mr. Compere, which took place, accidentally, in my presence, he remarked, that he had "conscientious scruples to taking an oath, unless in cases of absolute necessity." He then added, that, if I would say that I viewed his giving you his oath as such a case of necessity, he would give it. My reply was, that it was a matter entirely between yourselves, which I did not wish to interfere in, and that I must decline giving an opinion as to the absolute necessity of an affidavit, as it was a matter I did not wish to interfere in, being incapable of forming a judgment on it, as "*I was unacquainted with the objects or uses to which the testimony collected by yourselves was to be applied.*" You expressed some surprise at the remark, and I took occasion to add, that I did not know whether your testimony was to be laid before the Executive or Legislature of Georgia, the General Government, or its Agent, or to be used before a court of justice. I did not make my being unacquainted with these objects or uses a matter of complaint, because (as the authorities of Georgia had not thought proper to make me acquainted with their particular intentions as to the use to be made of the testimony collected by yourselves,) I did not consider it a matter on which I had a right to ask information. As it has now become a subject of question, and, in a measure, of discussion, I beg leave to ask you, distinctly, to what objects or uses the testimony you collect will be applied? Whether it is to be submitted to the Agent of the General Government, or to the United States' Government direct? or whether it is only intended to produce a conviction of guilt in the Indian Agent, before the Legislature, the Executive, the People, or the courts of justice in Georgia? I am more particularly in-

duced to ask these questions, to convince you, that, although I have re-examined all the letters and sources of information you refer me to, as well as your letter now before me, I am still totally unacquainted with the objects or uses to which the testimony to be collected by you is to be applied. At the same time, I disclaim all right, on my part, to receive answers, unless perfectly agreeable, and state, distinctly, that, since my interview with Col. Jones on the Flint River, I could not entertain a doubt that ~~one~~ object of your appointment was to criminate, if possible, the Indian Agent.

You must certainly excuse me for declining what you appear to wish me to attempt, to "quiet the conscientious scruples" of the Rev. Mr. Compere, or any other person, on any subject. I told that reverend gentleman, immediately on your leaving us, as he can testify, that I would greatly prefer his giving you an affidavit, if consistent, on reflection, with his religious principles, but that, in saying so, I did not wish to be considered as stating my belief as to its absolute necessity. Not having been made acquainted with that necessity, and having also previously informed him, as well as the other clergymen in the nation, that (respecting, as I did, their characters and their religious scruples,) I should view conscientious statements from them, without their making oath to it, as all sufficient, so far as their testimony was to be applied to the *objects of my mission*.

I recollect the inquiries you refer to as made of Col. Jones, on the Flint River, and take this opportunity of remarking, that I have, as yet, received no answers to them, particularly as to the intention of the Commissioners to summon the witnesses already examined by the committee, to afford an opportunity of cross-examination.

I do not see the light in which the Commissioners wish the first part of the third paragraph of their letter received. If no insinuation was intended by it, it appears to me that their expressions were uncalled for, and unnecessary. If, on the other hand, it is intended to convey an insinuation of a disposition, on my part, to act in an unfair or impartial manner, I feel called on to say, that such an insinuation is not warranted by my acts or intentions; or by truth; and that a repetition must put a stop to all *official* correspondence between us, as I am determined to avoid all official correspondence (which I am at liberty to avoid) that is not conducted in a proper spirit of courtesy and justice.

In reply to the latter part of the same paragraph, I would remark, that I am not in official possession of the evidence you refer to, relating to the Agent, having returned it to him for the present. I am, however, informed by the Agent, that, in due time, you will have an opportunity of cross-examining his witnesses, and, consequently, of seeing that testimony.

The course pursued by General Gaines in relation to the United States' interpreter, is one which is conceived to be entirely between himself and his Government; and, as it regards the statement which I made to him (in reply to his demand for it) of my present impressions in relation to the interpreter, it is between the General and myself and our Government. It will readily occur to you, that you will

receive a great amount of information (if you have not already) not immediately connected with the particular object of investigation, but proper to be submitted to your Government. Whether such is the fact in relation to yourselves or not, I take this occasion to inform you, that I should be wanting in respect to the Government which I have the honor, on a particular point, to represent, if I should offer to others the first knowledge of a great deal of information which may incidentally come before me. Such is the case, in reference to the United States' Interpreter, who is not under trial. The President has so far thought proper to disregard the impressions of others which have been laid before him, and to continue the interpreter in office. The Commissioners of the late treaty, notwithstanding their impressions against him, continued to avail themselves of his services whilst in want of an interpreter. His capacity renders his service necessary to facilitate business. It was only in regard to the propriety of his being employed, or not, as an interpreter, on the present occasion, that I have given an opinion to the General; and I understood your body, in the presence of General Gaines, on Saturday evening, to approve of his employment, with the precautions which the General has taken on the occasion.

With consideration, &c.

T. P. ANDREWS,  
*Special Agent.*

To Cols. WARREN JOURDAN,  
SEABORN JONES,  
WM. H. TORRENCE,  
*Commissioners.*

Enclosure No. 7.

*Georgia Commissioners to Major General Gaines.*

CRABTREES, July 1, 1825.

DEAR GENERAL: We shall attend to-day at 2 o'clock, P. M. to take testimony of the Little Prince, Opoeithole Yoholo, Sandy Graison, John Riley, and Benjamin Hawkins, of which you will please inform Colonel Crowell. It is not our intention to have this examination in the Square, because it will be very lengthy, and there will be no convenience for our Clerk to take down the answers. We shall object to Colonel Hambly as an interpreter; we shall select Hawkins. We wish Colonel Crowell to select another. You will please invite the above witnesses to your quarters, where, by your permission, the examination will take place.

Very respectfully, &c. &c.

WM. W. WILLIAMSON,  
WARREN JOURDAN.

To Maj. Gen. E. P. GAINES,  
*Commanding, Princeton.*



Enclosure No. 8.

*Major Andrews to the Georgia Commissioners.*

PRINCETON, INDIAN NATION,

July 1, 1825.

GENTLEMEN : Your letter of this date to General Gaines has been referred to me, as well as the subject to which it relates. Colonel Williamson was present in the Square, yesterday, when the Chiefs positively refused to have a conversation with you, or suffer any examinations, except in public, in the open Square or Council, and made no objections, or was not understood as making any. I have the honor, therefore, to remind you of the determination, and to inform you that you shall have for your Clerk all the facilities which have been enjoyed by the Gen. and myself, in our own written intercourse with them, which has been considerable. We will be happy to see you at the Square, at the hour you have fixed on. Both the General and myself will take pleasure in affording you all desirable and possible facilities ; but all questions put to the Indians must be in writing, that they may be placed on record by all persons present so disposed, and that they may not be subject to be misapprehended. This is a course which the officers of the General Government have felt themselves bound to pursue, and one which it is thought is due in fairness to the Indians.

Very respectfully, &amp;c. &amp;c. &amp;c.

T. P. ANDREWS, *Special Agent.*

To Col's. WARREN JOURDAN,

WM. W. WILLIAMSON.

*Crabtrees.*

Enclosure No. 9.

*The Commissioners of Georgia to Major Andrews.*

PRINCETON, INDIAN NATION, July 1, 1825.

SIR : Your communication of this morning, in reply to ours of the same date, has been received. We cannot see the analogy between the cases cited. In your and the General's correspondence with the Indians, we presume from your note, it has been conducted in writing, you have had time and leisure in your rooms to make your communications ; the Indians on the other hand, have had reasonable time allowed them to respond. Your objects have been National ; ours relate to the elucidation of a few facts, and to correct erroneous opinions in relation to a few incidents connected with the late disturbances. We respectfully, and in great difference to the opinions of you

and the General, ask, as a right due to Georgia, to examine a few Chiefs in General Gaines' room, or Major Rockwell's, the counsel for Colonel Crowell.

We ask it from the following considerations: First, that the examination and cross-examination would, in all probability, consume a day. Secondly, that we always intended, and have always so expressed ourselves, that it should be under the immediate observation and control of General Gaines and yourself, under the observation of Colonel Crowell and his counsel; under such an arrangement, we cannot withhold the expression of opinion, that, if any advantage existed, it would certainly be on the side of the Agent. Thirdly, it does not seem reasonable to us, that, in the compliance of an unreasonable request made by the Indians, that they will hold no converse or communication with the Georgia Commissioners, unless in the open square, that we should be subjected to all the inconveniences of the most inclement season, when no possible injury could result to themselves or the Agent in pursuing the course we propose. Fourthly, from the facility of communication with themselves, by signs as well as in a language we do not understand, we are firmly of opinion that no possible good could result in the examination we propose, if their proposition be adopted; no possible injury could result to any person from the adoption of the course we propose, under the restrictions and safe guards we accede to. Fifthly, if we have not been misinformed, the Agent has had all the benefits and indulgencies extended to him that we ask for or claim.

We would respectfully suggest to General Gaines, to recal to his recollection, the distinct and positive understanding on this subject, in his room, between the Georgia Commissioners and himself. The interrogatories we propose exhibiting, are reduced to writing, and we had no wish to submit them in any other form. It belongs to you gentlemen, exclusively, to say whether the like indulgence will be afforded us.

With high consideration, &c. &c. &c.

WARREN JOURDAN,  
WM. W. WILLIAMSON. } Commissioners

Major T. P. ANDREWS.

Enclosure No. 10.

*Major Andrews to the Commissioners of Georgia.*

PRINCETON, INDIAN NATION, July 1, 1825.

GENTLEMEN: Your communication, in reply to my note of this morning, was handed to me whilst General Gaines and myself were engaged in Council with the Indians at Broken Arrow; I immediately handed it to the General, who stated your request to the Chiefs in Council, and urged them to accede to it.

I am requested by General Gaines, to say that he has no objections to the Chiefs meeting you at any place; but, that the objection is made by the Chiefs themselves, and that he is not disposed to insist on their doing so against their own determination. My objection related solely to any questions being put to them that are not in writing, and, by that means, placed on record, and out of danger of being misapprehended. My objection was elicited, in consequence of having understood from General Gaines, that Colonel Jones, of your board, refused to put them in writing.

You will permit me to remark, that, on the score of time, neither General Gaines nor myself can but think that you have had at least as much time in which to make your examinations, as any other person or persons whatsoever. Indeed, from the number of your board, it is thought that you enjoy, in that respect, very great advantages. The only questions put to the Indians in relation to the Indian Agent, were propounded to them, and answered in the course of an hour or so, without leaving the Council, and not as supposed in your communication.

As it regards the exposure of the Commissioners of Georgia to the inclemency of the weather, I cannot but remind you that it is an exposure which the General and myself would have taken pleasure to share with you, although we have already been exposed to that weather for some time, without intermission.

I take this opportunity of assuring you, that you have been misinformed in supposing that the Agent has had the benefits and indulgences which you ask for.

The General directs me to say, that he does not consider himself as having had any understanding which militates, in the smallest degree, from his present determination of not compelling the Indians by force, (if he had a force near him, which you know is not the case,) to attend the examination in the particular manner you request of him. He has not only requested, but urged them so far as he could do so with propriety, to accede to your request, which they have replied to with great fixedness, as you will perceive from their reply, which he requests me to say, will be handed to you so soon as it can be made out and copied.

With high consideration. &c. &c. &c.

T. P. ANDREWS, *Special Agent.*

To Colonels WARREN JOURDAN,

WM. W. WILLIAMSON.

} Commissioners, &c.

*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Indian Springs, 24th July, 1825.*

SIR: Several of the half breeds of the McIntosh party have manifested a desire to receive information upon the subject of the land designed for them beyond the Mississippi.

Upon this subject, I am not sufficiently advised of the views of your Department, to afford them much satisfaction. I have described to them, as well as to the principal Chiefs at Broken Arrow, the character of the country, generally, upon the Arkansas and Missouri, as high up as Council Bluffs, and thence towards the St. Peter's, through which I travelled in the year 1822, on my Western tour of inspection. The Chiefs all manifested considerable interest on the account which I gave them of the buffalo and other wild game seen, and in part taken, by me and my party, in some sections of that country. But none appeared desirous to go thither, excepting some few of the McIntosh half breeds.

I am fully persuaded that the system proposed by the President of the United States, in January last, for the removal of these Indians, with other tribes to succeed, must be committed to the charge of an officer, capable from his temper, talents, and experience, of acquiring their confidence, and of protecting and controlling them. They will be, as they have been, beset with sharpers. No minors or orphan children, amidst strangers, require more the aid of a faithful guardian and commander, than these Indians will when they leave their country and friends; friends who have contrived to obtain from them their land, and who are now looking out for their money; but whose friendship will not survive the loss of their money. This guardianship and command will require to be *military*, at least, until the movement and new settlement is accomplished; and this will be the work of at least a year, if not of two or three years. The half breeds would require but little time, but the Indians are usually very tardy in moving with their families.

The officer charged with this duty would, in the first instance, select from the half bloods, and the most intelligent Chiefs and Warriors, from fifty to one hundred, taking one or two from every town or village. He would accompany them, as Commander and Quartermaster, to the tract of country designed for their residence, where they should remain until they make themselves well acquainted with the country and its resources. They should then return to their families and friends, and communicate to them the result of their inquiries. The period of their visit should be confined to the Winter and Spring; as in Summer and Autumn, they might possibly be frightened at the unhealthiness and scarcity of water of some parts of the country through which they may pass. Great care should be taken to render them comfortable, and protect them from the possibility of an attack from the war or hunting parties they may meet with, of other tribes.

Should these *pioneers* return with favorable impressions, I am persuaded that they would very soon fix similar impressions on the minds of their families and friends. In this case, they would remove willingly, and would probably take with them a considerable number of those who now look upon a removal to the Arkansas, somewhat in the light in [which] they view their final removal from this world, and for a similar reason, because they know little or nothing about the place of

their destination. They have had reason to doubt the truth of so much that has been said to them by a species of "X, Y, and Z," diplomatists, if not by legitimate commissioners, with their "co-workers," in the councils that produced the late treaty, that they are full of jealousy and distrust. I am therefore decidedly of the opinion that they should be permitted to see and to judge for themselves; and that, for this purpose, they should be conducted by an officer well acquainted with them, and highly qualified to govern, protect, and do them justice. Without knowing the wishes of any officer, in reference to this unpleasant, but very important duty; and without knowing whether any recommendation of any such officer would be acceptable to your Department, a sense of duty suggests to me the propriety of saying that there is not in the Army an officer better qualified for the proposed service, in all its various details, than Captain Daniel E. Burch, of the Quartermaster General's Department.

His Excellency Governor Troup manifests much dissatisfaction at the "daring" conduct of J. Marshall and William Edwards, in giving me their certificate, that McIntosh said he could not comply with the Governor's wish to make the surveys without the intervention of a Council, and that no such Council was ever assembled or consulted on the subject. He says nothing as to his purpose to commence the surveys.

With the greatest respect,  
I have the honor to be,

EDMUND P. GAINES,  
*Maj. Gen. Com.*

Hon. SECRETARY OF WAR.

P. S. Lieutenant Butler is yet absent, in quest of the *two hundred thousand dollars*, to be deposited in Bank. It is apprehended that he will not be able to obtain the *whole* amount; he is promised the greater part of it, ("all, indeed, that the Commissioner, Colonel Campbell has not paid out,") on the 6th of August, next month, at Augusta, Georgia.

E. P. G.

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*Governor Troup to the President of the United States.*

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, 26th July, 1825.*

Sir: In communicating the report of the Commissioners of the State, appointed under the resolutions of the Legislature, to take the testimony in the case of the Agent for Indian Affairs, and to investigate the causes of the late disturbances in the Creek Nation, it might be more satisfactory for you to receive it without comment. The report may, indeed, be said to carry with it its own commentary; nevertheless, a few remarks, elucidatory of certain parts of it, not easily understood by persons removed from the scene of action, may not be deemed objectionable.

I think, from the context of the report, but one impression will be made upon every fair and unbiassed mind, that, whatever may have been the motives which governed the conduct of the Agents on the part of the United States, in making the late investigations in the Nation, the results of these investigations have been such as to warrant a belief, that, if the motives had been suppression, and not the development of truth, no other results could have followed. The refusal of the Missionaries (after much of paltering and prevarication,) to verify their statements by oath or affirmation, is the more remarkable: for, it is believed, that these same Missionaries, some eighteen or twenty months ago, were quite willing to subscribe a paper containing a long string of charges against the Agent, which ought to have been sufficient to remove him from office, and which they would have substantiated by their oaths. Now, that they are in danger of being ousted of their livings, if the treaty is carried into effect, they make common cause with the Agent to rupture the treaty, and will swear or affirm to nothing against him. The terror of Lewis, induced by menaces of the friend of the Agent, and which determined him to withhold his testimony, and his eventual flight to avoid giving it, after measures had been taken to coerce him, will be sufficient, perhaps, to satisfy you how very inauspicious to the views of the Commissioners was the state of things prevailing in the Nation. The same hope of breaking the treaty and maintaining their footing there, united one and all of them—the red man and the white man, the Christian and the Heathen—in a common bond of interest, and a common course of action.

The examination of Hambly, the Interpreter, and confidential friend of the Agent, formally reported to you by your own Commissioners, as a base and unworthy fellow, was distinguished for its irregularity; the object of that examination was to lay a broad foundation for the rupture of the treaty, by shewing it to be the offspring of bribery and corruption, and the most enormously wicked contrivances, and to traduce the characters and discredit the testimony of some of the most respectable men among us. How bad must that cause be, which would employ such an instrument to accomplish such a purpose.

When Yoholo, a principal Chief in the Council, made a talk, detailing circumstances connected with the late negotiations at the Indian Springs, Colonel Williamson, one of the Commissioners, who was present, and who had also been a close observer of occurrences at the Springs, said to General Gaines, that he knew, of his own knowledge, the statements of Yoholo to be false; the General said that he would not believe the congregated world if they were to say so. Now you will have an opportunity of seeing, that these statements of the Indian Chief are in direct contradiction to the statements of the Commissioners of the United States, and their Secretary, of Colonel Williamson himself, of all the friendly Chiefs, and of every respectable white man who was present at the Indian Springs.

The refusal of General Gaines to permit a separate examination of the Chiefs in his presence, as the only mode of extracting the truth,

and after having more than once promised it, is as unaccountable as it was unexpected.

It is understood that the Indians could produce no law authorizing the execution of McIntosh. Yet General Gaines must have taken for granted, the existence of such a law : for he passes by the murder as justifiable homicide. The whole body of evidence, as you will see, completely disproves the existence of the law.

The refusal of General Gaines to admit the Commissioners of Georgia, as such, to a participation of the Indian Councils, in all matters touching the interests of Georgia, was a wrong done to the State, and an indignity offered to its constituted authorities.

The interdict put upon our Commissioners by General Gaines, to announce to the Indians, according to their instructions, the resolutions of this Government to make the survey, and to represent to them the harmlessness and innocency of the act, whilst the General announced the resolution of his own Government to prevent it, was a further wrong done to the State, and a disrespect manifested of the authority which gave that instruction.

A gentleman of clear intellect, pure morals, honorable character, and great prudence, is selected by the Governor to hold a talk with the Indians ; he performs that duty ; makes his report ; and that report is at once discredited on the naked word of the Indians.

General McIntosh writes three several letters to the Governor, subscribed by his own proper hand, giving his assent to the survey of the Country ; the friendly Chiefs, Marshall included, repeatedly assure the Governor that they, one and all, consent to the survey ; a certificate is obtained from this same Marshall, and a white man, to prove that General McIntosh refused his assent. General Gaines immediately comes to the conclusion that his assent was never given.

The admission of free communication with the Indians to every other description of persons, and the denial of it to the Georgia Commissioners, was a further wrong done to Georgia.

Indeed, Sir, it would appear from the reports of the Commissioners, that all or any description of testimony would be willingly received on the one side, and particularly that description of it which would exculpate the Agent ; excuse the hostile Indians ; prevent the survey of the land ; or effect the abrogation of the treaty. And that, on the other side, every thing was to be discredited, or received, at best, with many grains of allowance ; and every act or proceeding of the Commissioners of the United States, or of the constituted authorities of the State, resolved into corruption or depravity.

When General Gaines states in one of his letters to the Governor, that the hostile party outnumber the friendly, in the proportion of something like fifty to one, it is not easy to understand him. If it be true, as the General seems to believe, that he has pacified and reconciled the two parties, there is no longer any McIntosh party ; but, if the General means there was any such disproportion between the strength of the parties whilst McIntosh lived, he is widely mistaken. If McIntosh had survived to this moment, the probability is his party would have been the strongest.

Suffer me to add a few particulars, which make the condition of the friendly party most pitiable, independently of no atonement being offered for the blood of McIntosh: the money, according to the construction of the treaty, is taken from the pockets of the wives, children, brothers, and friends, of McIntosh, and paid over to the hostile Chiefs who murdered him, contrary to every principle of justice and stipulation of treaty, as if you intended it as the reward of gallant and meritorious acts commanded by yourselves. And this the friendly Chiefs cannot but feel most deeply. Nobody acquainted with the Indian character can ever believe, that General Gaines will make either a safe or a permanent pacification, until the offering of blood for blood has fulfilled the law and the usage of the country. An ephemeral peace may be patched up by force or menace, but ephemeral it will be, making, in the end, the catastrophe the more bloody.

I had written you of a certain personage of the State of South Carolina, having intermeddled in this matter, according to information communicated to me and submitted to you. There is a strong chain of corroborative circumstances, as you will see, to establish the facts there alleged, and running through the entire mass of evidence. The object undoubtedly was, the annulment of the treaty.

Whatever knavery or folly may suggest, with the view to disannul the treaty, will, of course, be unheeded at Washington; but, indeed, Sir, I very much doubt, unless you have looked with a scrutinizing eye to the history of this matter, whether some of the self-interested opponents of the treaty may not lead you into error. The idea that the majority of the entire Creek Nation is alone competent to make a treaty, is the most fallacious that could be entertained; it is so far from true, in the general, that, unless by merest accident, it never happens to be true in any particular. You have only to turn to the notes of Colonel Hawkins, whose authority you cannot dispute, to be satisfied that, according to the laws and usages of the Nation, the most important public affairs, involving vital interests, are determined, not by a majority, but by a minority, and, frequently, by a very small minority of the nation. In the whole course of his long residence among them, he never knew even the most popular war concurred in by a majority, and all authorities and all custom will prove to you, that, with regard to the most important of their national acts, having relation either to peace or war, Coweta must take the head. If a treaty be signed by the Chiefs of Coweta, it is considered good; if not signed by them, good for nothing. Georgia was settled in '32, in '33 or '34; the first treaty with the Creeks was held then, I think, in '36, and again in '39. The Cowetas are always foremost. Their Councils are invariably holden on the Coweta ground, and General Oglethorpe paid them his first visit there; hence, it is stated, in the evidence, that McIntosh had the power to sell the whole country, and hence the great efforts made to prevail on the old Coweta Chief, Etome Tustennuggee, not to sell the country, efforts which succeeded at Broken Arrow; but this old and ill



fated Chieftain, came to me afterwards, as you read in the documents, to say he had been deceived by bad white men, and was opposed to the sale at Broken Arrow, but then his eyes were opened, and he would follow the advice of his Father, the President, and sell the lands.

Having made this recapitulation and commentary, permit me to subjoin, that, for the gratification of a few mercenary and sordid characters in the Indian country, you threaten the most flagrant injustice to Georgia. In the country to be surveyed, within the limits of Georgia, none, or very few of the hostile party reside, and every one of the opposite party seek the survey as a measure of convenience and interest. The survey will, in the first instance, extend no farther West than the Chattahoochie, the act of the Legislature leaving it discretionary with the Governor to run to that river, before the boundary line between Georgia and Alabama shall have been ascertained. Having corresponded with the Governor of Alabama upon this subject, and received his assurance that the Legislature of that State will, immediately on its meeting, in November, cordially co-operate with Georgia in running the line, and there being difficulty in ascertaining the precise points at which that line will commence, the running is postponed to meet the wishes and expectations of the State of Alabama.

The evidence which remains to be taken by the Commissioners, will be forwarded as soon as received.

Very respectfully,

G. M. TROUP.

The PRESIDENT of the United States.

*Major Andrews' Report to the Secretary of War.*

MILLEDGEVILLE, Georgia, August 1st, 1825.

SIR: I had the honor, under date of this instant, from this place, (Milledgeville, Ga.) to report my opinion of the result of the examinations in the case of the Indian Agent, Colonel J. Crowell. I now do myself the honor to furnish you with the details on which that report is founded: These details consist of little else than lists of the evidence taken against and by the Agent, and of some which came incidentally before me; together with such remarks on its examination and comparison, as appeared necessary.

The first class of evidence which I shall notice is that taken before the Committee of the Legislature of Georgia against the Agent, as follows:

(Testimony No. 1 and 2.) Testimony of Col. Duncan G. Campbell, one of the United States' Commissioners in forming the late treaty.—This document is in the shape of an affidavit, taken before

the Committee of the Georgia Legislature, but does not appear to have been sworn to: it is the evidence of a gentleman of standing in society, as is verified by his late employment by the Government.

Colonel Campbell states his belief that Colonel Crowell was opposed to a treaty. His reasons for that belief appear to be founded on a conversation which he asserts he had with the Agent, just after the Commissioners had returned from an unsuccessful mission to the Cherokees. That alleged conversation appears to have been a confidential or political one, in which the witness states they both expressed themselves in terms "of feeling and regret" at the result of a recent election. He states that "the Agent observed, in substance, 'that he had had the thing fixed, and, I THINK, added, that we 'should have got the land below the Federal Road. He advised me to *resign my appointment* as United States' Commissioner, 'intimating that the result of the election had operated a change in 'his feelings in that regard. The conversation, (he continues,) was 'desultory, and, regarding it *as the effusion of the moment*, it did 'not impress me so strongly as that I am now enabled to make a 'more minute detail. I did not consider these declarations, *at the 'time*, as evidence of 'settled hostility to the interests of Georgia, 'and the policy of the General Government,' or 'of a disposition 'decidedly inimical to a cession of territory by the Creeks.' On this 'account I did, afterwards, in the Summer of the last year, to the 'Secretary of War, and to my colleague, express a confidence that 'the Agent would 'afford us all the facilities within his control.'" Colonel Campbell intimates that his reasons for now thinking that the alleged expressions of the Indian Agent show he was "opposed to a treaty," are founded on the fact of "the Agent's assumed" neutrality, "at Broken Arrow, which the President determined to be 'incompatible with his duty. The fact that he failed to report, or 'restrain, the adverse movements of his Assistant Agent, and the 'fact that, by his letter of the 13th February last, he aimed to prevent the ratification of a treaty to the *formalities* of which he had 'before made no objection, and which had obtained the sanction of 'his official attestation."

It is important that the date of this alleged conversation should be ascertained and borne in mind. It is ascertained from the evidence of Major Meriwether, (No. 2,) who states that, "in a conversation I had with Colonel Campbell, the second week in November 'last, in reference to the disposition of the Agent, Colonel Crowell, 'to promote our success in the approaching negotiation, he gave me, 'substantially, the following account: 'That Colonel Crowell, in 'the afternoon of the day on which Governor Troup was elected, ' (which was on the 6th November, 1823,) said to him, (Col. Campbell,) that he had prepared the Indians to cede a part of their lands 'or that he had it all fixed,' **DISTINCTLY INTIMATING**, 'however, that, as Troup had been elected Governor, he must not 'expect success to attend any application which might be made to the 'Indians while he (Troup) was in office; and concluded by advis-

ing him, (Campbell,) to resign." Major Meriwether adds: "Taking into view the time when, and the occasion upon which, this declaration was made, I attributed it to the excitement of the moment consequent upon his disappointment in the issue of the contest between Governor Troup and Captain Talbot." But in this, Major Meriwether adds, he has reasons to believe he was mistaken, 1st. Because "Colonel Crowell neglected to communicate to the War Department or the Commissioners, the 'Tuckabatchee Talk,' which I believe had been held principally by the chiefs on the Alabama side of the nation, with a view to prevent our success, in the Spring of 1824, and was known to the Agent as early as the month of June thereafter. 2d. Because he assumed a neutral position, as he stated, during the negotiation at Broken Arrow, and did not afford us that aid which we had a right to expect from the Agent of the Government in promoting its views, especially when he frequently declared his conviction, that an exchange of Territory and a removal to the West of the Mississippi, would essentially benefit the nation; and when the proposition we had made, or intended to make, was communicated to him, he observed, that the Indians would be fools if they did not accept it. 3d. Because I have reasons to believe that Col. Crowell knew of the movement by which the departure of the Cussetas from the Indian Springs was effected, after we had been informed of their willingness to enter into a treaty: The reasons for which belief are, that, from the devotion of Hamblly, the Interpreter, (whose agency on that occasion was proven to my satisfaction,) to Colonel Crowell, and his lodging in the same room with him, I cannot believe he would have taken a step so responsible, without the privity and consent of the Agent. These circumstances may have made a stronger impression on my mind than they might have done on others, and if they be too strong, I hope it will be made apparent; but they constitute the ground of my belief, and, as such, I offer them to the committee." Major Meriwether's evidence, like that of Colonel Campbell, does not appear to have been sworn to. Thus, after establishing the day on which the alleged conversation was held, between Colonels Crowell and Campbell, Major Meriwether arrives at the same conclusion of its present importance, but assigns different reasons for arriving at that conclusion.

Before entering into an examination of the reasons assigned by either Colonel Campbell or Major Meriwether, in support of the inferences they now draw from the alleged conversation, it is considered necessary to refer particularly to the conversation itself: The Indian Agent asserts, in the most positive manner, that he never held such a conversation; and, as it must be apparent that it is out of his power to prove a negative, in this instance, I am left to refer to such documentary evidence as is within my reach, which may go to show the verity of the evidence of Colonel Campbell, (for Major Meriwether merely testifies to the same as a hearsay conversation,) or of the assertion of the Indian Agent, Colonel Crowell, in relation to the

alleged conversation. They have all been men of high standing heretofore, and who have been honored with the confidence of their fellow-citizens and Government.

It is remarked by a distinguished writer on the law of evidence, "that a negative cannot be proved: But where witnesses swear affirmatively to a fact, it will not generally be sufficient to disprove it, to call witnesses who merely deny it, but it must be done by proving other facts contradictory to, or inconsistent with it, and which show that such fact could not have existed." It is again remarked, by another and still more distinguished writer on the same subject, "that the first and lowest proof is the oath of one witness only: and there is that sanction and reverence due to an oath, that the testimony of one witness naturally obtaineth credit, unless there be 'stronger' appearance of probability to the contrary. Now that which sets aside his credit, and overthrows his testimony, is the incredibility of the fact, and this repugnancy of his evidence: for, if the fact be contrary to all manner of experience and observation, it is too much to receive it upon the oath of one witness; or, if what he says be contradictory, that removes him from all credit: for things totally opposite cannot receive belief from the attestation of any man." Again: "An essential repugnance is an *intrinsic discredit* to testimony, which destroys the credence which might otherwise be given to any witness, on any question."

Acting under these maxims, I have sought for such other evidence as the nature of the case has afforded. The only evidence applicable, which I have been able to obtain, I now refer to as follows:

In the letter of Colonel Campbell to the Secretary of War, giving an account of the ill success of the negotiation with the Cherokee tribe of Indians, I find the following expression: "While at Newtown, the Seat of Government of the Cherokees, we were visited by a deputation from the Creeks, General McIntosh at the head. Upon the subject of a cession the Creeks hold a very different language. From information derived from McIntosh, AND **SINCE CONFIRMED BY THE CREEK AGENT**, the prospect (as to getting land) in that quarter, is much more favorable!" This letter bears date on the 28th November, 1823, at Augusta, seventeen days after the alleged conversation which Colonel Campbell informed Major Meriwether he had had with Colonel Crowell; and which he now believes took place, and has testified to! The question naturally presents itself whether Colonel Campbell would have made use of an expression, in an official letter to the Government, so unqualified, on the 28th November, 1823, if he had had such a conversation, as he now believes he had, on the 6th of the same month, seventeen days before, with Colonel Crowell?

In a letter dated at Washington, in Georgia, on the 27th July, 1824, from Colonel Campbell to Colonel Crowell, he commences in the endearing terms used only by friends having the confidence and respect of each other. The following sentence is extracted from the letter, viz: "Being instructed to correspond with you upon the sub-

*ject of the proposed treaty, I am happy that an acquaintance will authorize a free discussion of all matters connected with the subject."* Here, again, a question naturally presents itself: Is it probable, if the agent had used to Colonel Campbell the alleged expressions, which, by showing a bad motive, would have disgraced him in the opinion of all honorable men, that Colonel Campbell, acting as a United States' Commissioner, would have written to him in terms of endearment as a friend, and expressed his happiness that an acquaintance would *"authorize a free discussion of all matters connected with the subject"*—that subject of all others which (if the evidence of Col. Campbell is correct) the Agent was disqualified from discussing?

In a letter dated the 8th August, 1824, at Washington, Georgia, to the Secretary of War, from Colonel Campbell, I find the following sentence: "A young gentleman who resides at the Agency reached here yesterday, and informs me that the Agent received communications from the Department and myself, at the same time, and at the moment of setting out for Savannah; that he will be here on the 15th instant, on his return. I shall avail myself of the opportunity of the interview to acquire, in detail, all the information necessary to our future operations. The Agent is *intelligent and communicative*, and, I AM CERTAIN, WILL AFFORD US ALL THE FACILITIES WITHIN HIS CONTROL!" Can it be possible, if the Agent had made use of remarks, nearly a year before, of so extraordinary a character as those attributed to Colonel Crowell, that the very gentleman to whom the remarks were made, and who was chosen to act with him on the very business, which, by those remarks, he must have foreclosed, would have made use of as strong and unqualified an assertion of a different feeling and intention, on the part of the Agent, as that contained in the sentence quoted?

An original letter from Colonel D. G. Campbell, dated Washington, Georgia, 24th August, 1824, to his friend, Captain T. T. Triplett, who had offered proposals, as a contractor, to furnish rations to the Council to be held at Broken Arrow, is herewith submitted. (In handing this letter to me, Captain Triplett, who did not accept its propositions, stated, that, although it was not marked private or confidential, he would not have offered it, or permitted it to be made use of, if it were not to assist in defending the character of a man now injured, as he thought, by the writer, and that, too, in regard to a conversation which, if it could have taken place, must be admitted to have been of a private and confidential character.) The following is extracted from said letter, viz: "My brother, hearing of the prospect of a treaty, has made me a visit all the way from Houston, for the purpose of sounding whether he could not get some finger in the little profit which is to result. No man's necessities can be greater. I should be glad if you and he could understand each other upon the subject, and unite your interests. My best respects to our friend, Colonel Crowell. I hope and expect a pleasant time in making the jaunt to his country, to which his overflow of good feelings will contribute not a little." Can it be possible, that a man who enjoyed

Colonel Campbell's standing in society, would send, in August, 1824, such feeling and friendly remembrance to a man who had dishonored himself by an exposure of the most disgraceful motives which could actuate a public officer?

In a letter written by Colonel D. G. Campbell to the Secretary of War, dated the 14th January, 1825, at the City of Washington, (in answer to the letter of the Secretary of War, who called on Colonel Campbell for information as to supposed insinuations against the Agent made by the United States' Commissioners, in their journal of proceedings at Broken Arrow, and in a letter from them to the Governor of Georgia,) at the same time that the insinuations are apparently kept up, in the first part of his letter, against the Agent, Colonel Campbell explicitly states, in concluding it, that "Walker (the late Sub-Agent) *was the individual they intended to designate.*" If the conversation now alleged, had been then on his memory, here was a call that should have elicited it, in justice to the United States' Government, and in justice to the Governor of Georgia! Had such a conversation been made apparent to the President, it would no doubt have produced the immediate removal of the Agent, as an act of justice to the State and Governor of Georgia! Is it probable, if such a conversation had been held between Colonels Campbell and Crowell, that the former would have refrained from disclosing it, *at that time, more than the present?* Indeed, that moment was a critical one; it was after the attempt to make a treaty at Broken Arrow, at which place Colonel Campbell asserts the Agent had added other evidences in support of the opinion that he was unfriendly to a treaty! It was at the moment when another attempt was to be made to form a treaty! It was at that moment that the charge should have been made—the cause for which, it is now asserted, had existed so long—to have enabled the Government, if the assertion was sustained, to free itself from an Agent, who, if the charge was correct, must not only have been at that moment useless, but mischievous?

In a letter dated at Indian Springs, on the 8th of February, 1825, from the Commissioners, Colonel Campbell and Major Meriwether, to the Agent, Colonel Crowell, the following sentence is found, viz: "We shall recommence our proceedings as soon as the chiefs shall have arrived; and shall expect *a free and unreserved intercourse with you during their progress!*" Here, again, is an offer of a *free and unreserved intercourse* with an officer, of whom it is now said, he had disqualified himself from acting on the subject on which that free intercourse is so freely offered? Can it be, that such an offer would have been made, at the critical juncture of effecting a treaty, his opposition to which he had so criminally expressed? Would not the Commissioners, if they entertained the opinion, at that time, which they now express, have resorted rather to express and explicit *orders* to the Agent, for any services they required of him, which they had the power of resorting fully to, by the instructions from the Government to themselves and the Agent?

It should be borne in mind that, at the same time Colonel Campbell, with whom the conversation is said to have taken place, relates

that conversation with the prelude and cautious expression, "*I think added*," Major Meriwether relates the same conversation as hearsay, with the positive assertion "*distinctly intimating*." Colonel Campbell testifies in the alleged conversation, "he (Crowell) advised me to resign my appointment as United States' Commissioner; intimating, that the result of the election had operated a change in his feelings in that regard." Major Meriwether corroborates, in substance, the testimony, on this point, of Colonel Campbell. "He states that Crowell concluded the conversation," (which must have taken place on the 6th day of November, 1828,) "*by advising him (Campbell) to resign*." It becomes important to ascertain, here, with precision, what it was that Colonel Crowell must have wished Colonel Campbell to resign, if he held this conversation, and used the terms attributed to him. Colonel Campbell says it was "his appointment as United States' Commissioner." Could it be, that Colonel Crowell meant to advise Colonel Campbell to resign his appointment as Commissioner to the Cherokee Indians? It could not be: for, in regard to the Cherokee Indians, his (Crowell's) feelings or opinions could have had no influence or bearing whatever! Besides, Colonel Campbell states that the mission to the Cherokees had just ended. What, then, do Colonel Campbell and Major Meriwether intend to say Crowell advised Campbell to resign? It was certainly intended to assert that he advised him to resign as Commissioner for holding a Treaty with the Creek nation of Indians! Now, if it appears that he, Colonel Campbell, did not hold any such appointment, at the time Crowell is said to have advised him to resign it, it follows, that this most important part of the evidence of Colonel Campbell and Major Meriwether is positively disproved. The documents annexed to this report shew that the commission to Colonel Campbell and Major Meriwether, as U. S. Commissioners, to treat with the Creek nation of Indians was dated and transmitted, and their compensation fixed, on the 16th of July, and accepted on the 27th July, or 8th of August, 1824, and eight or nine months thereafter. The letter of the Secretary of War to the Commissioners, of the 16th of July, 1824, and those of Colonel Campbell to the Secretary of War, of the 27th July, and of the 8th August, in the same year, shew that such is the fact; and I am of opinion that Colonel Crowell could not therefore have made use of any such as the latter expression, to Colonel Campbell; and consequently, discredit that part, at least, of the testimony of Colonel Campbell and Major Meriwether against Colonel Crowell. Indeed, after reviewing the foregoing facts and statements, the conclusion in relation to the whole conversation, alleged to have taken place between Colonel Crowell and Colonel Campbell, is, that it could not have taken place. It is a safe maxim in life, that any evidence, however imposing, affecting to disclose what must have been a confidential communication, if it ever took place, should always be received with more or less caution! Although a respect for that maxim might have created some degree of caution, on my part, in believing the testimony examined; nothing but the strong circumstances and facts which appear to rebut the testi-

mony of Colonel Campbell and Major Meriwether, could have induced me, from their high characters, to have arrived at the conclusion now stated. Those facts and circumstances, however, appear to me to constitute an "*essential repugnance*," and (to continue the words of the jurist already quoted) to form "*an intrinsic discredit*" to the testimony of those gentlemen.

Having now examined all the points which present themselves in relation to the *alleged conversation*, I proceed to examine the reasons of Colonel Campbell and Major Meriwether for attaching present importance to that conversation, which they admit was theretofore viewed as proceeding "*from the excitement of the moment*," consequent upon Colonel Crowell's disappointment in the issue of a political contest. Of Colonel Campbell's reasons, the first in order is, "*the fact of the Agent's assumed neutrality at Broken Arrow, which the President determined to be incompatible with his duty*." It is a fact that the President of the United States did not "approve" of the conduct of the Agent in assuming a neutral position at *Broken Arrow* in his official conduct; but it is also a fact, that that disapprobation was founded alone on impressions drawn from the insinuations contained in the Journal of the Commissioners, and a letter from one of them to the Government; and, at the same time the Agent admits he did assume a neutral position in regard to the treaty at *Broken Arrow* in his *official conduct*, it is shown, by a great mass of testimony, that he did advise the Indians, *unofficially*, to consent to a treaty. If the Agent did not co-operate (which, however, does not appear,) as fully with the Commissioners in the latter negotiations, (except as to taking the treaty from McIntosh,) the fault might be measurably considered their own. He had repeatedly, by writing, offered his co-operation, and solicited *instructions* from them, which do not appear to have been given. It is also shown from evidence, as well as his defence, that his declining to interfere *officially* to effect a treaty at *Broken Arrow*, was from proper motives—a wish, on his part, not to excite the jealousy or ill will of the Indians, that he might continue to have that influence with, and confidence from them, which could alone render his services useful to his Government. Had this, also, been shown to the Government by the Commissioners, it is matter of doubt whether any, the slightest, censure would have been passed on him. By withholding this knowledge from the Government, which, from their understanding and talents, I am bound to presume must have been present to them, the Commissioners inflicted an unjust injury on the Agent, and it does not appear to me that it is fair to inflict a further injury, by referring to a former one as a reason for so doing. That the Agent did co-operate with the Commissioners at the Indian Springs, whilst there was a prospect or possibility of the Chiefs generally agreeing to a treaty, is not questioned by the Commissioners, and is indeed admitted by their Journal. The second reason assigned by Colonel Campbell is, "*the fact that he failed to report or restrain the adverse movements of his Assistant Agent*." Before it can be considered just to charge the Agent with having "failed to report or restrain the ad-



verse movements of his Assistant Agent," it should be shown that the Assistant Agent had made "adverse movements," *which were known to the Agent*. The charges against Captain Walker, the Sub-agent, on which he was displaced, *were made by the Commissioners themselves*. He was charged generally with having opposed the treaty at Broken Arrow, and with having permitted a meeting to be held at his house, and with having sanctioned the Polecat Spring proceedings, by reducing them to writing for the Indians; but it does not appear *that the Agent* had any knowledge of those proceedings in time to have prevented them. The Commissioners themselves never asserted it to the Government, and it *does* appear, from their journals, that he co-operated to the utmost of his power with the Commissioners, so soon as those transactions were referred to by the Commissioners, who are also shown to have known of them before they arrived at Broken Arrow. The proceedings, however, of Tuckabatchee and Polecat Springs, do not, *in regard to the point under examination*, appear to be of importance. They are, therefore, considered as not requiring here a serious consideration. Were they, however, worthy of such consideration, it does appear that, so far as they came within the control of the Agent, he promptly co-operated with the Commissioners. The Commissioners, in my opinion, should have looked to other and more important causes which impeded or destroyed their efforts in making a treaty at Broken Arrow. It appears that the "consternation and alarm" into which the Indians were thrown at Broken Arrow, in perceiving, (as is incontestibly proven by the evidence submitted with this report,) the intrigues of the Commissioners and their Agents with a corrupt Chief, instead of pursuing their object in an open and frank manner with the Councils of the nation, were the chief means of preventing a treaty on that occasion, or very soon thereafter. It is natural that an ignorant People should have felt alarmed when they observed such proceedings going on, *chiefly at night*, near them, and should be anxious to break up the Council, with a hope of breaking up a secret, and, to them, mysterious intercourse, which they supposed was pregnant with mischief to them. Notwithstanding the special laws of the nation referred to, I have no hesitation in believing that a treaty might have been formed with the nation at Broken Arrow, or soon thereafter, if a different course had been pursued by the Commissioners. If a treaty had been concluded with the nation or its representatives, in full open Council, no law of the nation would have been violated; no disturbances grown out of it. The Indians, it is true, were apparently firm in their intention to cede no lands; but, if time had been allowed them, and perseverance manifested on the part of the Commissioners, those objections could, in my opinion, have been overcome, because they could have been convinced that their safety and happiness depended on their removal. Their veneration and fondness, to use their own expression, "for the lands in which the bones of their parents and children are buried," is deeply rooted, but, when other arguments were exhausted, that respect for the manes of their ancestors, would have induced them to suffer a

state of peace and tranquillity to exist over them, rather than be, by an ultimate refusal, the cause of disturbing them. The latter feeling, on the part of the Indians, is at least as strong as the former ! They are both grounded on the same veneration and feeling. This impression is strengthened from the fact stated by the Commissioners, even as late as the treaty at Indian Springs, notwithstanding the want of confidence on the part of the Indians towards the Commissioners, which had been created by the course of the Commissioners with McIntosh, and their consequent fears and jealousy. In their Journal of the 11th February, 1825, they state that Poethley-Oholo (who was in fact the chief representative of the nation on that occasion,) remarked as follows : "From what you told us yesterday, I am induced to believe that it may be best for us to remove, *but we must have time to think of it*; and should the Chiefs who are here, sell the land now, it *might create dissensions and ill blood among the Indians.*" Again: "I am also instructed to invite you to meet us at Broken Arrow (the National Council,) three months hence, *when a treaty may possibly be made*, and to return home." This much is admitted by the Commissioners, but the evidence, herewith, shows that he pledged himself that *the Council should be held at the expense of the nation, and that he was instructed to say so.*"

The third reason assigned by Colonel Campbell, for attaching present importance to what he had heretofore considered a light and unimportant conversation, is "*the fact that, by his (Crowell's) letter of the 13th February last, he aimed to prevent the ratification of a treaty, to the formalities of which he had before made no objection, and which had obtained the sanction of his official attestation.*" In remarking on this point of Colonel Campbell's testimony, I shall be compelled, with deep reluctance, to speak freely of an instrument, which, under present circumstances, must be considered as among the supreme laws of the land; but, believing it to be the wish of the Government, that I should report to it, all important *facts* connected with the investigation, I shall do so, without the fear of its displeasure. I cannot believe either, for a moment, that the enlightened and venerated tribunal, proverbial for its justice and its wisdom, which has, in the absence perhaps of full information on the subject, accorded its sanction to that instrument, could disapprove of the Government's possessing itself of all the information in its power, which time and the personal examination of its Agents have necessarily or incidentally elicited. Believing it therefore to be the wish of the Government that I should do so, and a sacred duty on my part to comply with that wish, I proceed to discharge it. That the Agent aimed to prevent the ratification of the treaty of Indian Springs held in February last, in his letter of the 13th February, is apparent; and, although every good citizen must bow with respect and confidence in the justice and wisdom of the high authorities who set aside his letter, because there was not sufficient ground at that time for refusing to do so, yet I am constrained to say, that, in my opinion, he but discharged his duty to his Government, and vindicated his own integrity and honor in writ-

ing that letter. If the treaty is to be considered as having been made with the Creek Nation, and from the caption of it, as well as its professing to acquire lands within Alabama as well as Georgia, it would appear that it is offered as a treaty with the Nation ; then must it be considered as a deception on the Government : for it is apparent, from the volume of evidence annexed to this report, as well as to the minds of every person acquainted with the subject, that the signers were not the representatives of the Nation : and that the Nation, or its representatives had not consented to it. There were but six Chiefs among the fifty-two who signed the treaty, and but one of those a national chief, (viz. McIntosh,) and he only ranked as the 5th Chief of the Nation : the next in rank among the signers, (Etomme Tustunuggee,) was from the same town as McIntosh. There are fifty-six towns in the Nation, and there are signers from but eight of them, and many of those were worthless Indians who had been long since stripped of their little rank, having no right to interfere in national affairs, and who never did attempt to interfere in them in the National Councils. About 30 of the 52 signers, were from one town, (Coweta) the town of McIntosh. Many of the signers returned immediately to the Nation, acknowledged their misconduct, threw themselves on the mercy of the National Council, at its next meeting; and were forgiven. Some of the signers are not known to the Chiefs of the Nation, nor, as far as I could learn, to any white man or half-breed in it. The Little Prince, was "highest in authority, being head Chief of the Nation," as is admitted by the Commissioners themselves; the Big Warrior, since dead, was next, if not indeed equal, in authority with him; then Hopoi Hadjo, of Osweechi Town, and Tuskehenahaw, of the town of Cusetau : All these Chiefs, neither of whom signed the treaty, were superior to McIntosh, and a large number of chiefs nearly equal to him in authority. These are facts with which persons at all acquainted in the Creek Nation, are conversant : But, from McIntosh's being a half-breed, and conversant with our language, his former gallant conduct as a warrior, his intercourse with the whites, and his anxiety on all occasions to be conspicuous ; a different opinion measurably has prevailed with the public. It is also proved, that McIntosh was induced to sign the treaty, and to induce or compel his adherents to sign with him, from large douceurs or bribes offered or given to him by the Commissioners, at the same time remarking that he forfeited his life in doing so, under the laws of his Nation. The promise of protection was accordingly held out to himself and his adherents in the treaty, and it is even shewn that the Commissioners pledged themselves that "troops were at hand to protect them." Notwithstanding the large sums offered or paid him, neither himself nor his followers could be induced to sign the treaty, until, at their instance, that protection was stipulated. It is shewn too, that one of the Commissioners, (Major Meriwether,) before the treaty, had committed himself, by signing a joint note with McIntosh to a merchant at Milledgeville, who had sold goods to McIntosh, and, in that way, virtually determined to make a treaty with him, before visiting the

place at which the treaty was made. No unprejudiced person, after reading the mass of testimony now submitted, can withhold the belief, that the treaty made at the Indian Springs, in February last, was in fact agreed on in private, in the nocturnal interviews between the Commissioners and McIntosh, at Broken Arrow, in the preceding December; and is the same which Colonel Campbell applied to the War Department, in his letter of the 8th January, 1825, for leave to effectuate, which was refused by the letter of the Secretary of War, of the 18th of the same month. In his letter, which was written at the City of Washington, Colonel Campbell remarks: "We had commenced our negotiation with the entire nation represented by a National Council; after doing this, we were not fully satisfied that a treaty, obtained from a *divided council*, sitting at a *different place*, would have met the sanction of the Government. The authority of the Executive is asked, to convene the Chiefs, *within the limits of Georgia*, to negotiate with them, *exclusively*, if we think proper," &c. "*The success of any future operation depends solely upon the decision to be made upon this proposition.*" "If it be considered as inconsistent or impolitic, then any further prospect of acquiring lands of the Creeks, by the process of negotiation, may be considered as closed." "Much conversation was held, *with General McIntosh*, concerning the details and CONSEQUENCES of such an arrangement, &c." (Colonel Campbell, represents the followers of McIntosh in the same letter, to be ten thousand in number! The late disturbances have shewn them to amount to from 80 to 100 warriors, and about 300 souls, including men, women, and children, at the same time the population of the Nation is upwards of 20,600 persons!) The Secretary of War replies to Col. Campbell, that "the President has deliberately considered the proposition submitted by the Commissioners to treat with the Creeks, of holding a *separate treaty with General McIntosh*, for a cession of that portion of the Creek Territory lying within the limits of Georgia; and, although he is very desirous of acquiring for the State of Georgia, the land in question, he is of opinion that he cannot, with propriety, authorize the treaty *with General McIntosh alone*, as proposed by the Commissioners." Again: "The President is of opinion, that is not in the power of General McIntosh, to cede any portion of the land belonging to the Creek Nation, *without the assent of the Nation itself*." And again: "Whatever arrangement may be made with General McIntosh for a cession of Territory, *must be made by the Creek Nation* in the usual form, and upon the ordinary principles with which treaties are held with the Indian tribes."

Colonel Campbell, in a letter addressed from Columbia, South Carolina, to the Governor of Georgia, states, that "application, which I submitted, for authority to hold a treaty *with a divided Council of the Creeks*, was not expressly granted. *Such course, by a decision of the Cabinet, was held to be incompatible with the laws of nations and Indian usage*; every other facility, however, was promptly afforded." Governor Troup forwarded a letter by Colonel Campbell, to the President of the United States, in which he states, that "a

*treaty can be immediately signed upon the conditions which will be disclosed by the Commissioners;*" and, in conclusion, adds: that "the result of the failure to effect a treaty at Broken Arrow, has left no resource but the single one of seeking, at Washington, a direct and absolute power to meet the emergency by signing, with McIntosh and his Chiefs, that treaty."

In the published extract from the Executive Journal of Georgia, of the 19th February, 1825, (five or seven days after the treaty, and before its ratification,) Governor Troup says to General McIntosh, Etomme Tustunugge, and other signers of it, as follows: "that, in the business of the treaty, the President could not but consider it as the act of the nation: *provided, the whole country was ceded. But what ought to be considered the act of the nation, would be still a question.* The Government might be quite well disposed to consider *the act of McIntosh and his friends* as such a one, &c."

Thus, it is seen, the Commissioners having failed to effect a treaty with the Creek nation at Broken Arrow, repair, by their representative, Colonel Campbell, to Washington, and urgently solicit, in amount, authority to treat with McIntosh alone, whom they represent as the head Chief of the lower towns of the Creek nation, and whose followers, they state, amount to 10,000 in number, (neither of those statements were correct). The Governor of Georgia demands that authority for them. It is also seen that, at the same time, every anxiety is manifested by the General Government to acquire the Creek lands within the limits of Georgia, for that State, that such an extraordinary demand could not be acceded to, or such extraordinary powers granted. Notwithstanding all this, a treaty has been signed, in effect, with General McIntosh; not only without the consent of the nation, but positively against it. I can find no full explanation for this strange departure from the instructions of their Government. The following sentences are extracted from a letter of the Governor of Georgia, forwarded by express to the United States' Commissioners, who were, at the time of writing it, engaged in treaty at the Indian Springs. The letter is dated on the 12th Feb'y, 1825, at Milledgeville, and will perhaps, shew in part, and in part only, on what authority the Commissioners departed from the instructions of the President. "Gentlemen, accept my thanks for *your last letter by express. A despatch from Mr. Forsyth has this moment reached me, and believing it may be of service to you, I hasten, by another express, to place you in possession of it.* There can be no doubt of the correctness of the suggestion of Mr. Forsyth, that a treaty concluded with that portion of the tribe resident in Georgia, for the cession of all the lands within our limits, *would be approved by Congress.*" The Commissioners, in reply to the Governor of Georgia, make use of the following expressions. "We are happy to inform you that the 'long agony is over,' and that we concluded a treaty yesterday with *what we consider the nation, for nearly the whole country.* We are still in time for a ratification by the present Senate; and beg to offer you our sincere gratulations upon the more than successful issue of a negotiation, in which you have been an ardent co-worker."

If the treaty is not to be considered as having been made by the Creek nation or its representatives, but by a portion of the nation residing within the limits of Georgia, as is now contended, by what right were that portion of the nation required or permitted to cede a large tract of country within the limits of Alabama, or, to use the expression of the Commissioners, "*nearly the whole country*" belonging to the Creek nation? Or with what justice has it been stated, in the caption, that it was a treaty between the United States and "*the Chiefs of the Creek Nation in council assembled?*" and that the Chiefs of the Creek towns had assented to it, "*those of Tuckaubatchee excepted?*" Or on what grounds has the demand been founded, which claims for the inconsiderable party of Indians attached to General McIntosh, the whole amount of the money stipulated to be paid by the treaty to the emigrating part of the nation? Surely, if "*nearly the whole country*" has been ceded by the treaty, "*nearly the whole*" nation must form that emigrating party, and be entitled to the money stipulated to be paid by the treaty.

Both views have been taken of the treaty, to shew that, in either case, it has not been correctly made according to instructions, and, therefore, that the Agent discharged only his duty in "aiming to prevent its ratification."

It should be borne in mind, that, although the Secretary of War expressly instructs the Commissioners (in his letters of the 13th September, 1824, and 21st January, 1825,) that any arrangement entered into in relation to a treaty with the Creek Nation for an exchange of land West of the Mississippi, must be "*conditional upon the extinguishing the Indian title to the tract that may be designated West of the Mississippi.*" yet that instruction is departed from, as no such condition is inserted in the treaty.

The Agent was furnished with a copy of the instructions to the Commissioners, and must have seen that, in this respect, as well as others, they had departed from their instructions, and cannot, therefore, be censurable for aiming to prevent the ratification of a treaty effected under such circumstances.

The additional article added to the treaty on the 14th February, 1825, (two days after the treaty itself had been executed) which placed the sum of \$25,000 in the hands of General McIntosh, besides the docteur of \$15,000, which the evidence herewith proves to have been stipulated for, if not paid to him by the Commissioners, will serve to throw some light on the subject. That sum is apparently given him for two reserves, one of which he did not own, and the other not being worth a fifth part of the money. The expression in the journal of the Commissioners of the 18th December, 1824, that "they resolved to pursue the subject (the treaty) by every means of which they could avail themselves," as well as the evidence of Joel Bayley and others, and the fact of holding the treaty within the Georgia limits, fifty miles from the Creek nation, will also throw light on this particular subject.

From the foregoing, it may be inferred that no criminality should be attached to the Agent, for "aiming to prevent the ratification of a

treaty, to the *formalities* of which he had before made no objection, and which had obtained the sanction of his official attestation." The affidavit of Captain T. Triplett, not to speak of the defence of Col. Crowell, explains fully and satisfactorily the reasons of the Agent for affixing that attestation to it. Captain Triplett's affidavit is corroborated by that of Colonel Hambly.

Having now examined the *reasons* given by Colonel Campbell for attaching importance at present, to a conversation which he had heretofore considered unimportant, I shall next proceed to examine the *reasons* of Major Meriwether, which, although generally of a different character, have enabled him to arrive at the same conclusion. Major Meriwether's first *reason* is as follows: "Because Colonel Crowell neglected to communicate to the War Department or the Commissioners the 'Tuckabatchee talk,' which, I believe, had been held principally by the Chiefs on the Alabama side of the nation, with a view to prevent our success in the Spring of 1824, and was known to the Agent as early as the month of June thereafter." It does appear that Colonel Crowell did not communicate the "Tuckabatchee talk" to the War Department, for which, in consequence of the representation of the Commissioners, he has been censured; although his motives were not impeached in this neglect, because, as it is presumed, it was not usual for any Indian Agent to communicate the laws of Indian nations to the Government, if permitted to become acquainted with them; which is of course always optional with the Indians. But his not notifying the Government of this law being of a peculiar nature, was attributed to a misconception of his duties. It does not appear to be true, however, that the Agent neglected to inform the Commissioners of that law: for it appears from the letter of Colonel Campbell to the Secretary of War, dated at the City of Washington, on the 8th of January, 1825, that the Commissioners obtained a knowledge of both the Tuckabatchee and Pole Cat Spring talks, on their way to the treaty at Broken Arrow; and from the evidence of Captain Triplett, Colonel William Hambly, and Luther Blake, that that knowledge was obtained from the Agent, who handed it to Major Meriwether himself. This testimony rebuts, it is thought, in a satisfactory manner, the testimony given on the particular point under examination by Major Meriwether. Major Meriwether states, also, in the same sentence, that "the Tuckabatchee talk" was held with a view to prevent the success of himself and Colonel Campbell, IN THE SPRING OF 1824. It has been already shown that neither Major Meriwether nor Colonel Campbell were appointed Commissioners until late in the Summer of that year. It is scarcely necessary to add, that, in this instance, also, Major Meriwether must be mistaken.

The second *reason* advanced in Major Meriwether's testimony, viz: the neutrality of the Agent at Broken Arrow, is essentially the same, as the first reason advanced by Colonel Campbell; I refer, therefore to my remarks on the latter. The third *reason* advanced by Major Meriwether, is, as follows: "Because I have reasons to believe,

that Col. Crowell knew of the movement by which the departure of the Cussetahs from the Indian Springs, was effected, after we had been informed of their willingness to enter into a treaty. The reasons for which belief are, that, from the devotion of Hambly, the Interpreter, (whose agency, on that occasion, was proven to my satisfaction,) to Colonel Crowell, and his lodging in the same room with him, I cannot believe he would have taken a step so responsible, without the privity and consent of the Agent."

On this point, the evidence annexed to this report is strong, and, to my mind, conclusive. It is plainly shewn, that all the Chiefs of the nation, who went to the Indian Spring treaty, went under positive orders from the two head Chiefs of the nation, not to make a treaty or sell land, but to meet the Commissioners as friends, and invite them to hold a treaty three months thereafter, at the capital of the nation, Broken Arrow; *the expense of which Council, Poethley Oholo, the Speaker of the nation, (McIntosh having been broke as Speaker,) was instructed to say, would be defrayed by the nation.*" It appears, also, that, when they did go home, they went off by the orders of their Chiefs, who were present, Poethley Oholo and Col. Stedham, and that neither the Agent nor Interpreter knew any thing of their going. It follows, as the belief of Major Meriwether is thus shewn not to be well founded; that his inferences, drawn from that belief, should be considered as rebutted. On this particular point, the departure of the Cussetaus from the treaty ground, at the Indian Springs, the Commissioners and their Agents, contradict each other. In the written report of Col. Williamson, who was, at the time, in the employ of the Commissioners, and who was despatched for the purpose of ascertaining the cause of the departure of the Cussetaus, he reports that their departure was caused by the orders of their Chiefs, and furnishes ground of suspicion against the Interpreter; and, in the letter of Col. Campbell to the Secretary of War, of the 16th February, 1825, (*four days after the circumstance alluded to,*) he makes use of the following remarkable and conclusive impression, viz :

"There is nothing of singular import in the whole proceeding, except the sudden and mysterious departure of the Cussetaus at night, after solemn assent to a treaty. *The explanation given to this movement, by the report of Col. Williamson at the conclusion of the journal, I hope will be found satisfactory.* The step was far from being voluntary. These Chiefs, doubtless, were deluded by a wily and perfidious individual, in the service of the Government, as interpreter." In this letter, Col. Campbell is seen to differ widely from the evidence of Major Meriwether : for he appears not to make the most remote allusion to the Agent.

It is singular, that Major Meriwether should have drawn inferences so unfavorable to the character of the Agent, from the circumstance of the Interpreter's "lodging in the same room" with him.

If such a circumstance were sufficient in itself to justify unfavorable impressions, the Commissioners would be freely suspected of heinous offences : for it is shewn in evidence, that the late Indian Agent,



D. B. Mitchell, a man rendered notorious by a disgraceful violation of the laws of his country, not only roomed with one of the Commissioners at the Indian Springs during the time of holding the late treaty there, but that a seat was carefully reserved by that Commissioner for him, always next to himself at table. It also appears by the evidence of Richard J. Nicholls, Esq. that General Mitchell had, *previous to the time of holding the treaty*, a pretty accurate knowledge of the amount of money General McIntosh was to receive from the Commissioners under the treaty.

I conclude the examination of the testimony of Col. Campbell and Major Meriwether against the Indian Agent, Col. Crowell, with a remark, that it also appears to me somewhat singular, that the evidence given by those gentlemen, which the prosecuting parties appear to rely on as the most important testimony taken against him; *should not be sworn to*. The Committee of the Legislature, before whom testimony was taken, appears to have verified the *affidavits* taken during their sitting in a formal manner: the succeeding affidavit, (No. 8,) for instance, is verified with these words, "answered, sworn to, and subscribed before me, this 7th June, 1825," &c. Whereas the testimony of Messrs. Campbell and Meriwether, appears to have been *subscribed* before the Chairman of the Committee, *but not sworn to*.

Having concluded the examination of the testimony given by the two gentlemen, who acted as Commissioners in forming the late treaty, against the Indian Agent, it becomes my duty to notice various testimony, which appears to cast a doubt on their motives in testifying against the Agent, and to implicate the Commissioners themselves as honorable men and faithful public officers.

John H. Brodnax, a gentleman of great respectability, testifies (see affidavit No. 70,) that a similar treaty to the one made at the Indian Springs in February last, could have been made at Washington, (if the Government had felt disposed to make such a treaty,) about the same time, by Gen. McIntosh and others, who had been authorized by his party to go on for that purpose, *and a saving of about fifteen thousand dollars thereby made for the Government*. The evidence of this witness, from its clearness, and the character of the witness, carries the conviction of its truth with it; and is corroborated by the documents to which he refers, which have been since made public. This witness states that McIntosh and the other Indians (seven in number) were prevented from going on to Washington to offer such a treaty. These facts, it is apparent, must have been known to the United States' Commissioners, and indeed are referred to in Col. Campbell's letter of the 16th February, 1825, to the Secretary of War; and it appears that, in not permitting the deputation to go on to Washington, and in holding a treaty with the same party, at the Indian Springs, the Government has been put to a very great expense, and a foundation laid for very deep moral and political evils.

Documents are now in my possession, not connected with the present investigation, which, however, show, that, in the purchase of *one* of the reserves which the Commissioners of the late treaty were au-

thorized to purchase, the sum of fifteen hundred dollars was to have been given for it; that title deeds were given to the Commissioners, but that the claimant, up to this time, has received but six hundred dollars of the amount, and has sought for the balance in vain from the Commissioners. Whether the same course has been pursued in the purchase of other reserves or not, I am unable to say, as this is the only case which has come under my observation. The documents have been placed in my hands, with a view to procure for the claimant, the balance of the purchase money. It would appear, also, from the affidavits of Captain Triplett, Colonel Hambly, John Winslett, Samuel Srells, and Joseph Hardage, that the 5th article of the treaty of the Indian Springs, which places two hundred thousand dollars at the disposal of the Commissioners who effected the treaty, has been surreptitiously introduced into it, inasmuch as it was never read or interpreted to the Indians who signed the treaty, or those who were present at the signing. The five witnesses named, constitute, it is believed, a large majority (leaving out of view the board of Commissioners and the Indian Agent) of the white men who were present at the signing of the treaty, *which was not done in a public manner, but in a close room guarded by a doorkeeper!!* This is evidence of so serious a character, that I should not have ventured to allude to it, on light grounds, particularly as one or two of the witnesses named, do not swear positively; but the evidence of Captain Triplett, whose affidavit on any subject, is, in my opinion, entitled to as much weight as that of any other individual whatever, is strong, clear, and positive, and appears to be corroborated by that of the others. The character of the 5th section of the treaty is of itself sufficient, perhaps, to excite more or less suspicion as to its fairness; and when I add that it is clearly shewn, that the whole amount of money placed in the hands of the Commissioners under that article of the treaty, (two hundred thousand dollars,) *has been diverted from the purposes for which it was placed by the Government in their possession, and used in mercantile speculations,* the affidavit of Capt. Triplett and others will appear to be but too well founded. The evidence of Joel Bailey and John T. Lamar, prove the fact last alluded to. Bailey gave his testimony with great reluctance, having been closely concerned in affairs relating to the treaty with the Commissioners, and had an evident reluctance to disclose any thing which might criminate the Commissioners; the fact of the Commissioners' giving him a draft on the house of McKinsey & Pouce, for part of the money due him by the Commissioners, and the affidavit of Mr. Lamar, who is a merchant of great respectability, shews, that Mr. McKinsey, one of the firm alluded to, acknowledged to him that the firm had received the United States' draft for the whole amount of the 200,000 dollars, had exchanged it for a premium, and that both themselves and friends were at liberty to use it, or any part of it, and that the whole, or a large amount of it, had been used in the late cotton speculations. These circumstances are also notorious in Georgia, and spoken of frequently, as well as the fact, that the Commissioners, in paying what money they

have disbursed, have passed off large amounts of bank paper, which, in Georgia, is at a considerable discount. The evidence, also, of Micajah C. Williamson, which, although circumstantial, is strong, goes to shew that a part of the money placed in the hands of the Commissioners, has been used in the purchase of, or speculations in, negroes, by Colonel W. W. Williamson, (the relative of Colonel Campbell,) who is shewn, too, to have been in the employ of the U. S. Commissioners, at an extravagant salary. This witness is the nephew of Col. W. W. Williamson, as well as the nephew of Col. Campbell, and of course gave evidence reluctantly, which appeared to make against those gentlemen; but, having made similar statements with those in his affidavit to his friends, and being called on to testify to it, and being a man of great integrity and independent feeling, gave his testimony when it was requested.

It is not for me to pass judgment on the conduct of the United States' Commissioners, but, from all that has been shewn, whether it relates to the *evidence* of the Commissioners, their reasons for entertaining their belief as to that evidence, their conduct in making the treaty, or the facts shewn in relation to the money placed in their own hands by their own act, the conclusion is irresistible, that the evidence of Col. D. G. Campbell and Major James Meriwether, against Col. Crowell, ought not to be accredited; because those gentlemen were interested, deeply, in destroying the character of the Agent, to prevent his availing himself of any facts or information within his knowledge or reach, and making disclosures which might destroy their character with the Government or the public.

(No. 3.) *Evidence of Francis Flournoy.*—This evidence is in itself unimportant, being, in every respect, as it regards the charges made against the Indian Agent, irrelevant. This is the *second* affidavit given by witness since the death of McIntosh. The other will be found at page 111 of the pamphlet herewith submitted, containing the message of the Governor of Georgia to the Legislature, in May last. It does not appear for what purpose, or at whose request, the *first* affidavit of Flournoy was taken. It would be found, on examination, that the two affidavits of this witness are contradictory in many particulars. It is, however, not only unnecessary to enter on a minute comparison or examination of Flournoy's testimony; but I consider it due to the Government, that its Agent should not descend to a further notice of his testimony, than to state the existence of facts connected with the character of the witness.

The witness, Francis Flournoy, is now a travelling pedlar in Georgia. He was at the house of McIntosh, at the time the latter was killed, violating the laws of his country in selling to the Indians without a license. He had, at one time, a respectable standing in society in Georgia, and was appointed to office under the State Government. Several years since, however, he was impeached by the Legislature, found guilty of frauds practised on the State and his fellow-citizens, was pronounced *guilty of perjury and other crimes, and*

*disfranchised for twenty years by that Legislature.* That period not having expired, by several years, his oath could not now have effect before any court or other tribunal, or before any judge or justice of the peace in Georgia. Some years since these proceedings were had against him by the Legislature of Georgia, he attached himself to a highly respectable religious society in Georgia. Acting on the Christian principles of *repentance* and *forgiveness*, that church admitted him to its fellowship, and even permitted or tolerated him as a travelling teacher of the Gospel: but that respectable church has had occasion, since doing so, acting on the no less Christian principle of *justice*, to expel him from that calling and fellowship, for further and more recent offences.

This witness, acting under a depraved feeling, or at the instigation of others, has been of late employed as an evil spirit in the Creek Nation. Shortly after he had returned from the *upper part* of the Creek Nation into Georgia, he was again found in the nation, in the *lower extremity*, adjoining Early and Dooley counties of Georgia. His pretext, even as avowed, manifested an intention of violating the United States' laws; but even this criminality was aggravated by attempts at violence on his part, on the female part of a family of Indians. He was threatened by the head of the family with the execution of an Indian law for his offence, made his escape from the nation, created an alarm of meditated Indian hostilities in the adjoining counties of Georgia, (Early and Dooley counties,) carried the information of the alarm created by himself to the Governor of Georgia, was paid out of the Treasury of the State for his supposed zeal and services, and the information which he carried and communicated to the Executive, made the occasion of a special message from the Governor of Georgia to the Legislature.

(No. 4.) Evidence of *A. Miles*.—This affidavit is believed to be the only one taken by the prosecuting party, which is not *directly* disproved. It is impossible, however, (unless by accident, as in the case of Jesse Cox,) that the Agent could have it in his power to disprove it by *direct* evidence; and whilst at the same time the Agent denies having had any such conversation with Mr. Miles, it is admitted that he may have had an opinion, or impression, that McIntosh would be executed by the Nation, because, it is seen that such an opinion or impression was a general one in and near the Nation, and prevailed no less with persons generally, than with the Governor of Georgia, the United States' Commissioners who made the late treaty, and with Genl. McIntosh himself, and his friends. That such an opinion or impression did exist with the United States' Commissioners, with McIntosh himself and his adherents, and with the Governor of Georgia, will be apparent from the following references or statements of facts.

In the message of the Governor of Georgia to the Legislature, of the 23d of May, 1825, is found the following sentence: "Having foreseen that troubles might arise in the Indian country *from the proceedings at Broken Arrow and the Indian Springs*, I sought an early opportunity after the first indications of them, to despatch my Aid-de-

Camp, Col. Lamar into the Nation with a talk for that portion of the tribe which had *menaced McIntosh and his friends with injury.*"

The opinion is frankly given, in substance, by the Agent himself, in his letter to the Secretary of War of the 13th February, 1825, in which he predicts, that, if the treaty is ratified, "*It may produce a horrid state of things among those unfortunate Indians.*" It is referred to, in a memorial to the President of the United States from General McIntosh and his adherents, dated 25th January, 1825, and published in the pamphlet containing the last mentioned message, as follows: "It is painful for us to acknowledge that there is an actual necessity of calling upon our Father the President of the United States for protection; for instance, it has been a short time since (decreed) when they met in the GRAND COUNCIL SQUARE, AND PASSED AN ORDER FOR THE EXECUTION OF MCINTOSH, and any other of his chiefs who would make any proposition to the United States, in favor of selling any part of the country, which we now claim; therefore we have been compelled to guard General McIntosh since the Treaty at Broken Arrow for his safety!—this is not all, there is no doubt but what said Council, at the present meeting, will pass an order for the dismission of General McIntosh and many others of his adherents." (This was before McIntosh signed the treaty.)

In the journal of the United States' Commissioners of the 11th of February, 1825, at the Indian Springs, it is stated, that the "head chief of Tuckabatchee," (Poethly Yo-ho-lo) who in fact was the principal representative of the Nation, told the Commissioners in the presence of McIntosh, as follows: "General McIntosh knows that no part of the land can be sold without a full council and with the consent of all the Nation;" and again: "should the Chiefs who are here sell their land now, it might create dissensions and ill blood among the Indians." Col. Hambly, the Interpreter, and Captain Triplett, the present Sub-Agent, who understood the Creek language both swear, that the same distinguished Chief (Poethley Yoholo) reminded McIntosh, when he was about to place his signature to the treaty, that he was about to violate a law of the Nation which he himself had proposed, and warned him of the consequences."

In the letter of Col. Campbell, of the 8th of January, 1825, to the Secretary of War, Col. Campbell remarks: "There would have been a striking unanimity on the part of the population, but for the threats and intimidating language which had been industriously circulated. These are contained in the written proceedings of the two meetings held by a portion of the Chiefs at Tuckabatchee, in May, and at the Pole Cat Springs in November last;" again, he states, "they were carried, shortly after, in June, to the Broken Arrow (the National Council, or Capital of the Nation,) by the Big Warrior, and submitted for sanction. No objection was made except by McIntosh, neither do we understand that any direct sanction was obtained." Again, in the same letter: "much conversation was held with General McIntosh, concerning the details and CONSEQUENCES of such an arrangement, (a treaty with a divided Council.) Again, "I

"view it as a matter of great moment to *maintain McIntosh in his authority and influence, and in his estimation of himself.*"

The Journal of the Commissioners, of the 15th December, 1824, speaking of the Tuckabatchee law, or talk, (which revised the law made on the West bank of the Ockmulgee, before the treaty of 1821, which treaty essentially destroyed that law,) under which General McIntosh was executed, shews, that the Agent *then* stated to the Commissioners that said law was carried to Broken Arrow (the National Council) in June, 1824; "that no signatures were obtained, but *the Agent understood it to be CONSENTED TO GENERALLY.*"

In the letter of the United States' Commissioners, dated at Broken Arrow, on the 14th December, 1824, to the Governor of Georgia, they state, that the Tuckabatchee and Polecat Spring proceedings were intended to forestall them, and "have, in a great measure, had the effect, **BY SPREADING ALARM THROUGHOUT THE NATION.**"

In the Journal of the Commissioners, of the 18th December, 1824, at Broken Arrow, is the following remark: "The Commissioners, "entertaining some doubts of the validity of a treaty signed by individual council, and *fearing to expose such part of the Chiefs to the resentment of the combination,*" &c.

In the letter of the 14th January, 1825, from Col. D. G. Campbell to the Secretary of War, Colonel Campbell states, that the "very day on which the express (from the Governor of Georgia to the Commissioners at Broken Arrow) arrived, was spent by the Commissioners at Coweta, (McIntosh's town) a few miles distant from "the treaty ground, *on business connected with the treaty.*" The evidence shews that this was a secret visit to McIntosh; kept secret, because of the *apprehensions* of McIntosh.

In the letter of the Governor of Georgia to the Representatives in Congress from Georgia, dated 17th February, 1825, Governor Troup says: "I understand, further, that those of the tribe who refused their "assent to the treaty, *threaten injury to McIntosh and his Chiefs.*"

In a document, dated 17th February, 1825, immediately after the treaty, signed by Chilly McIntosh, and by several others of the McIntosh party, they call on the Governor of Georgia to know "whether he could protect them, should protection be necessary." In another, dated 20th of the same month, they state that they are informed by Chilly McIntosh, that the Governor wishes to see General McIntosh, preparatory to sending runners on to let the party know that he (the Governor) is ready to protect them, if they (the Nation) "should attempt to carry their threats into execution." In the same document, those Indians say: "At the treaty of Broken Arrow the "Chiefs got jealous of McIntosh, and threatened to kill him." They refer to the law of Polecat Spring, as intended to prevent General McIntosh from selling, or offering land for sale, and as threatening "if any person should sell, or offer land for sale, guns and rope should be their end." These statements are from the son and adherents of McIntosh.

In an extract from the Executive Journal of Georgia, of the 19th

February, 1825, seven days after the treaty was signed, General McIntosh and Etomme Tustunnuggee, and others of McIntosh's adherents, are represented as going to the Executive Chamber of Georgia, and stating, among other matters, that "they wanted to know *whether they could be certain of protection from the Government of the United States, and from that of Georgia.*"

In the letter or address of the Governor of Georgia, of the 26th of February, 1825, (fourteen days after the signing of the treaty, and before its ratification,) addressed to the Chiefs and Headmen of Tookaubatchee and Cussetau, are the following expressions, viz: "In consequence of the apprehensions expressed in a Talk delivered by the friendly chiefs, of the hostile intentions of the unfriendly party in said nation, toward McIntosh and his friends, in consequence of the late treaty; and in compliance with the promises given them, *that every aid should be afforded them within the power of this Government*; it is thought proper to send a friendly talk to the Chiefs of Tookaubatchie and Cussetau; at the same time forewarning them of the danger to which they will expose themselves by any outrage committed on McIntosh, or any of the friendly Indians, in consequence of said treaty. Accordingly, Colonel H. G. Lamar is despatched with a talk to said hostile chiefs, in the following words, to wit: 'To the Chiefs and Headmen of the Tuckaubatchee, &c. I hear bad things of you: **YOU THREATEN MCINTOSH AND HIS PEOPLE**, because they listened to their Father, the President, and ceded their lands to the Georgians. Now, I tell you, take care and walk straight. McIntosh and his people are under my protection, as well as under the protection of the United States. If any harm is done by you, or any of your people, to McIntosh, or his people, I will treat you in the same manner as if you were to come into our white settlements and do the like. I will pursue you until I have full satisfaction. Do not let bad people persuade you that, because you live in and near to Alabama, you will be safe. If you commit one act of hostility on this side the line, I will follow (into Alabama,) and punish you.'

In a letter from Chilly McIntosh to the Governor of Georgia, dated Newnan, Georgia, 3d March, 1825, the day on which the treaty was ratified, are the following expressions, viz: "Governor: I take authority to inform you, since we left you we hav'n't got home, in consequence of the hostiles. I met my friends at Flint River, Wm. Miller and A. Tustunnuggee, and they tell me that they run them off—threaten to kill them—cut their throats, and set up their heads by the road for a show: they are determined to die on their own country, and they have appointed men to kill seven chiefs, General McIntosh, myself, Joseph Marshall, Sam'l Hawkins, James Island, Etomme Tustunnuggee, and Col. Miller." "No doubt, *they are determined to destroy us if they can.* Myself and father parted at the Indian Springs, on our way home. Since I heard the news, I have despatched a runner to him, **NOT TO STAY ONE MOMENT AT HOME.**" And, in reply, the Governor concludes his letter to

Chilly McIntosh, under date of the 5th March, 1825, as follows : "I hope your father **WILL KEEP OUT OF THEIR WAY** until they are brought to their senses."

Col. Lamar, the Aid to Governor Troup, in his address to the Cussetas, 7th March, 1825, remarks : "We have understood that, in *consequence of McIntosh and others having signed the late treaty, you are angry, and wish to stain your hands in their blood.*" Again : "If you should murder him, or any of his men, or suffer the same to be done, your white brothers will revenge their death, if in the burning of your houses, or at the expense of the life of every red man in your town." Again : "We have heard that you have listened to the counsel of bad men, that they have wrought among you an angry excitement, and *that McIntosh and his Chiefs are to be the victims to appease your exasperated feelings.*"

In a letter from Brigadier General Ware, of the Georgia Militia, to the Governor of Georgia, dated Newnan, 1st May, 1825, he states, on information received from one of McIntosh's most intelligent followers, an Indian called "Col. Miller," that "the hostile party in the nation, (that is, the Creek Nation,) largely exceeds 4,000 warriors; and the friendly party, (that is, McIntosh's followers,) to only 500." It is since ascertained, that all the followers of McIntosh, including men, women, and children, do not much exceed 300 souls altogether.

The foregoing facts, together with the full evidence shewing the secrecy of the meetings, (held chiefly at night in the woods,) between the United States' Commissioners and McIntosh, obviously dictated by the safety of the latter; the alarm and flight of McIntosh from Broken Arrow, when his nocturnal interviews were discovered; his refusing to go into the nation after the treaty was made for some weeks, until he thought the threats of the Governor of Georgia had had the effect to deter the nation from the execution of the law; all go to shew that an opinion prevailed, generally, that the Creek Nation intended to execute McIntosh, and others, for a violation of the law of the nation; and that that opinion was particularly entertained by the Governor of Georgia, the United States' Commissioners who made the treaty with him, and by McIntosh and his followers. It was not, therefore, surprising that the Indian Agent should have believed they intended, at some time, to do so, or should have expressed such a belief, although it is clearly shewn by the mass of testimony, herewith submitted, that they kept their intention and time as secret as possible, not only from the Agent, but from every white man in the nation, Hutton excepted, who was only informed of their time of execution and intention, at the moment they applied to him to accompany the party as an interpreter, to prevent injury to, or alarm among, the white men who might be in the house of McIntosh. The object of that secrecy was, to prevent the immediate knowledge from reaching McIntosh, and thereby enabling him again to make his escape.

I, therefore, view the testimony of A. Miles as fixing no criminality on the Agent; and since it has been shewn, that the direct threats of



the Governor of a powerful State, and all his official influence, could not divert the nation from the execution of its intentions, it is not to be presumed that the Agent, who was not at that time in favor with the nation, or in its confidence, could have prevented them if they had been positively known to him, unless by giving information to McIntosh.

(No. 5.) *Testimony of Harris Allen.*—The testimony of this witness is irrelevant, as it relates to Henry Crowell, and not to John Crowell, the Indian Agent. The witness is mistaken, however, when he understands that Henry Crowell is a licensed trader in the Creek Nation. Thomas Crowell, another brother of the Agent, is a licensed trader in the Nation; but Henry Crowell keeps a tavern stand for the accommodation of travellers on the East side of Flint River, on a reserve which was specially reserved by the treaty of the 8th of January, 1821. The evidence of this witness does not appear to have been sworn to.

(No. 6.) *Testimony of Elijah M. Amos.*—The testimony of Nimrod Doyell and Jesse Wall rebut the testimony of this witness. Doyell was not the Marshal in the only annuity council of 1824, and Wall has been the Marshal for upwards of two years, and acted on that occasion. I therefore consider the testimony of Amos as entirely discredited.

(No. 7.) *Testimony of Jesse Cox.*—Before proceeding to examine the testimony of Cox, I will make a general remark, which applies not only to the nature of the *testimony* or examination of this witness, but, more or less, to that of several others, taken before the Committee of the Legislature. It is a maxim of law, as laid down particularly in the law of evidence, that, “when a witness is admitted to testify, after “having told his story, in his own way, and in his own language, he “is first examined by the Counsel (or) the party introducing him, as “to the knowledge of the facts in question. He (the Counsel, or the “party introducing him) is not permitted to ask him LEADING “QUESTIONS; that is, to form the questions in such manner as will “instruct the witness in the answers to give.”

It will be seen that, in this case, *leading questions* are not only put to the witness, but every word to which the witness has sworn, is given to him, and, of course, was all calculated to “instruct the witness in the answers to give.” Accident, however, has placed it in the power of the Agent to disprove Cox’s testimony by *direct evidence*. The clear and positive affidavit of Drury Spain, rebuts the testimony of Mr. Cox, and the direct testimony of Mr. Spain is corroborated by the strong circumstantial evidence of Enoch Johnson. I consider the testimony of Cox, therefore, as entirely discredited.

(No. 8.) *Testimony of Henry Braxcal.*—The testimony of this witness is irrelevant to the case of the Agent, Colonel Crowell, as it relates solely to Captain T. Triplett. But, as Captain Triplett is now the Sub-Agent of the Creek Nation, it may be well to give it a passing notice. Witness swears, 1st, “that he was at the house of Henry “Crowell, in last December, in the Creek Nation; Thomas Triplett,

" the *Sub-Agent*, was there. and said, if they, the Indians, should come " to him for advice while Troup was Governor, he should advise them " not to sell their lands. This was *before the attempt to hold the treaty " at Broken Arrow.*" This witness discredits his own testimony, which, if it were true, would amount to nothing. In the first place, it will be seen, by a reference to the letters and journal of the United States' Commissioners, who held the treaty, and particularly to the letter of Col. Campbell to the Secretary of War, dated the 8th January, 1825, at the City of Washington, that they met on the 29th of November, opened their negotiations at Broken Arrow on the 1st of December, and continued in session until the 18th of that month; of course the witness could not have seen Captain Triplett at the house of Henry Crowell, in December last, "*before the attempt to hold a treaty at Broken Arrow,*" which actually took place on the 29th of November! In the next place, he speaks of Captain Triplett as the Sub-Agent "*in December, 1824,*" when it is known that Captain Triplett succeeded Captain Walker, as Sub-Agent, who was displaced the 11th of January, 1825, by letter of that date from the Secretary of War, and to take effect from the receipt, by Walker, of that letter. Admitting, however, that such expressions were made use of by Captain Triplett, in December, 1824, it would be of no consequence, inasmuch as he was not then in the employ of the Government, and, being a private citizen, he had a right to entertain or express whatever sentiments his judgment or feelings dictated, without being, at that time, amenable to the Government. I am inclined, however, from the contradictions of the witness, and the character of Captain Triplett, who denies the conversation, to discredit his testimony altogether.

(No. 9.) *Testimony of John C. Kennedy.*—The evidence of this witness appears to have no direct bearing on the charges against the Agent. Witness relates a conversation which, he says, took place between "a gentleman" and another "person, being a man of rather "*dark complexion, whom they frequently called Col. Crowell.*" If the conversation he relates did take place, it would appear to have been of a negative character, implying rather weakness than criminality in the Agent. There are, however, several reasons, each in themselves sufficient to shew that such a conversation never was held by the Agent, Col. Crowell. In the first place, the witness speaks of the person whose conversation he overheard, with another, and who "*they frequently called Col. Crowell,*" as of a *person not known to him.* Again, he speaks of Col. Crowell as "*a man of rather dark complexion;*" when it is notorious to all those who have seen the Agent, that he is not only of a *fair*, but *unusually fair complexion.* Again, he speaks of the Agent's having stated to the gentleman he conversed with, that "*he should have a good deal of money in the end, let things go as it " would.*" The complexion of the Agent is not more notorious than the belief entertained generally by those who know him, that he is poor, and at least as much so as when he was appointed Indian Agent by the Government. Mr. Kennedy also states, that the gentleman with

whom the person "they called Col. Crowell," conversed with, told him that "he believed he (Crowell) deserved hanging; upon which they appeared to be both very mad, and walked off." Now, if a gentleman, possessing such an opinion of the Agent, had had, *at that time and place*, such a conversation, it is reasonable to suppose the affidavit of *that gentleman* would not only have been obtained, but offered to the Committee, who were well known to be at the time in session. The witness states the conversation, overheard by him, to have taken place "*either at McComb's or Huson's.*" McComb's and Huson's are both taverns, and both within about 200 yards of the State House at Milledgeville, in which the Committee held all their sittings. If such a gentleman had a conversation, even of a negative character, as the one alluded to is represented to have been, he would have been sought out and found in five minutes time, and his affidavit taken. There are other reasons for discrediting the testimony of Kennedy, viz. 1st, he has given to Col. Crowell a written statement, acknowledging, in substance, his mistake: It is herewith submitted. 2d. I have been informed, by a gentleman whose name I am authorized to make use of, that this witness stated to two members of the Legislature, after having given his evidence against the Agent, that he had seen Col. Crowell after giving his evidence, and "that he was "not one of the persons between whom the conversation took place, "which he relates in his evidence;" and, farther, that Kennedy was "a common vagabond in the place where he usually resided, so much "so, that the children were in the habit of blacking his face in the "streets, and playing divers other tricks with him." The gentleman who makes this statement (Major O. H. Kenan) is of the highest character—a highly respectable member of the Bar, a member of the Legislature of Georgia, and one of the Committee of Investigation before whom the testimony was taken. In addition, I remark, the evidence of Kennedy does not appear to have been sworn to. This testimony is, therefore, unworthy of credit.

(No. 10.) *Evidence of Theron Spencer.*—This evidence is irrelevant, and therefore unworthy of consideration. It has no application to either of the charges against the Agent. I cannot see with what view it has been presented.

(No. 11.) *Evidence of James Blair.*—The evidence of this witness is irrelevant, relating to *Henry* and not *John Crowell*, and not, therefore, requiring further notice. It does not appear to have been sworn to.

(No. 12.) *Evidence of W. W. Williamson.*—In the evidence of this witness, *before the committee*, in answer to the first, second, and third interrogatories put to him, he insinuates (for he does not assert it) that the Agent endeavored to deceive him as to the time and object of a meeting in January, 1825, of the Indians at Tuckabatchee. Witness opposes to the alleged statements of the Agent, an alleged conversation afterwards held with the Interpreter. Witness insinuates that the real object of that meeting at Tuckabatchee was "to break McIntosh," and not in consequence of any demand or request of the

Governor of Alabama. Now McIntosh (who was broke as *Speaker* of the Nation, at Broken Arrow,) was not broke as a *Chief*, at the meeting at Tuckabatchee; and the letters of the Governor of Alabama himself will shew, that such a demand or request, as is referred to by witness, was made on the Agent and Indians; and it is well known that the meeting referred to, *was called in consequence of the communications of the Governor of Alabama.* The insinuations or assertions of witness, on this point, are therefore unfounded.

The replies of this witness to the interrogatories of the committee, from No. 4 to 10, inclusive, are irrelevant, as they relate not to the Agent, but to Colonel Hambly, the interpreter. But it may be well to give those answers a passing notice. It appears from the acknowledgments drawn from Lewis Calfrey, in his affidavit, which were given by that witness with great reluctance and evasion, and from the second affidavit of Drury Spain, which corroborates that of Calfrey, that the witness (Col. W. W. Williamson) had put the integrity of Col. Hambly to a severe test, by an offer of a bribe, or *douceur*, of *eight thousand dollars.* I view his evidence given before the committee (as well as the report made by witness to the United States' Commissioners at Indian Springs, in February last, as to the cause of the departure of certain Indians from the treaty ground,) as intended to *destroy the character of Hambly, to prevent the Agent from availing himself of Hambly's testimony, which is important, in the present investigation, and to prevent Hambly, if possible, from destroying the character of witness (Williamson) by an exposure of witness' conduct.* From these reasons, as well as the vague and undefined answers of witness, and for reasons hereinafter stated, the answers to interrogatories from 4 to 10, inclusive, are unworthy of credit. The answers of witness to questions 11 and 12, are rebutted, substantially, by his own written report to the United States' Commissioners at Indian Springs, as published with their journal of the 14th of February last. In that report, he does not say, that the statement of one chief implicated the Agent as being privy to the departure of certain Indians; nor does he state, in that report, any such opinion as is given in the evidence taken before the committee, *that the Agent was unfriendly to the Treaty.* The answer to the 13th interrogatory is irrelevant, as it does not relate to the Indian Agent. I do not, however, believe the witness in it. The answer of witness to the 14th interrogatory, is shewn to be unfounded by the treaties of 22d January, 1818, 8th of January, 1821, and the late treaty of 12th February, 1825, and by the fact that no such power was ever claimed by McIntosh, or acknowledged to be vested in him. The treaty of 1818 is signed by all the principal chiefs of the nation! That of 1821 is signed, it is true, by the McIntosh party chiefly, but it is also signed by the *Little Prince*. (*Tustunnuggee Hopoi*,) *the head of the nation, and others opposed to the late treaty.* The chiefs of the nation assert, that the treaty of 1821 was not made by the nation, or by its full authority. The head man of the nation, (who is still the head of the nation,) as well as McIntosh and others, were censured by the next National Council

for having made that treaty. They were arraigned before the council, and contended that, by making that treaty, a large debt due from the nation to Georgia, which could not otherwise be paid, was expunged. This plea, which was a fact, (as will be seen by reference to the treaty itself,) together with the high confidence which the nation entertained of the integrity of the Little Prince, who had signed the treaty, induced the council to overlook the offence and to acquiesce in the treaty. This evidence is particularly disproved by the United States' Commissioners who held the treaty in December last, at Broken Arrow, and who made the late treaty at Indian Springs: for, although it is intimated an idea existed that the Indians of one town (Coweta) had or claimed such a right, on the ground of being the original or oldest town in the nation, it was never pretended that McIntosh had such power *in virtue of a power of attorney given in 1817*. Besides, in making the late treaty with McIntosh and his followers, the idea is held out that it was made by the nation. For these reasons, and others stated and following, I consider the answers of witness to the 14th and 15th interrogatories as unworthy of credit.

The evidence of witness (Williamson) does not appear to have been sworn to: if it had been, I should be disposed to discredit it altogether. I consider the evidence of witness, who was in the employ of the United States' Commissioners at Broken Arrow and the Indian Springs, and who, by his acknowledgment to Micajah C. Williamson, received a large amount of money from them for his services, in any shape as unworthy of credit. He is shewn, by the affidavits of Col. Wm. Hamby, Wm. Lott, Lewis Calfrey, and Drury Spain, to have offered bribes to them to betray whatever of confidence or influence might be possessed by the two former with the Indians. He is shewn, by the affidavits of J. Winslett, L. B. Nicholls, and J. H. Campbell, already forwarded to the Government, to be a man of intemperate and unjust feelings; and he is shewn, it is thought, by the strong circumstantial testimony of Micajah C. Williamson, and by general report in Georgia, to have been engaged as a negro speculator *on part of the money of the Government placed in the hands of the United States' Commissioners*.

(Nos. 13, 14, and 15.) These papers, which it is believed are genuine, shew nothing to me but a zealous discharge of duty on the part of the Agent, under an excitement of feeling caused by the opposition of McIntosh. One Stinson, it appears, persisted in a violation of the laws of Congress, and was pertinaciously sustained in that conduct by McIntosh, who was of a bold and daring character. It therefore became the duty of the Agent to meet the conduct of both *fearlessly*. In doing so, it is apparent he used warm, and, perhaps, improper language, in writing to the head of the nation; but it should be recollected that, in such a case, such language, whether it was intended to be used literally or figuratively, became, in a manner, necessary, in writing on the subject to or for an Indian. The letter of Judge Cuyler to the Agent, shows the criminality of Stinson; and the letter of General McIntosh to the Governor of Georgia, dated at Acretown, on the 12th April, 1825, shews with what little ceremony this daring and unfortu-

nate man acted in setting aside and violating all the laws of Congress relating to the Indians, whenever they came in contact with his own interests.

Having now gone through the examination of all the testimony taken before the committee of the Legislature of Georgia, and finding nothing in that evidence, or any part of it, which attaches guilt to the Indian Agent, under the charges made against him, or indeed criminality of any character, I next proceed to make a brief remark on the report (No. 16) of that committee, as adopted by the Legislature of Georgia. The report is founded alone on the evidence which has been examined. The resolve of the report concludes with a request to the President of the United States "*to remove the Agent from office.*" and yet, in concluding their examination of, and reasoning on, the testimony on which that request is alone grounded, it is admitted that the evidence, BEING EX PARTE, SHOULD BE RECEIVED WITH MUCH ALLOWANCE!! Comment on this report, on my part, might be deemed invidious, and is not necessary.

Since being possessed of the testimony, taken before the committee, the copy of an affidavit by *William Barnard*, (No. 17,) has been handed to me by the Georgia Commissioners. It is not certified, but is in the hand writing of the Secretary of the Board of Commissioners, and is, therefore, considered as a true copy. The written statement of *Michée Barnard* and *Timpoochie Barnard*, highly respectable half-breed Indian Chiefs, who are, it is believed, cousins to the witness, *William Barnard*, rebut his statement.

I next proceed to the charges made against the Agent, by the four letters signed by *Chilly McIntosh* and other Indians, dated at the City of Washington, on the 17th May, 1825, addressed to yourself, and which I am directed, specially, in my instructions, to examine. Those charges are embraced and numbered in the following letters, viz :

1st "Col. Crowell has always been opposed to General McIntosh, since 1823, when he tried to have him broke as Chief of the Creek Nation, and threatened to destroy his property. He was offended at General McIntosh, for refusing to give up a man named Stinson, without an order from the Head Chiefs of the Nation. Stinson was afterwards delivered into the Agent's custody, and was tried for selling goods in the nation without a license, of which he was acquitted by the Federal Court in Georgia."

2d. "Colonel Crowell was further incensed against General McIntosh, for interfering when Crowell drew a knife, and threatened to cut the throat of a man named Srells, who had been adopted by the Creek nation."

3d. "Colonel Crowell was opposed to the treaty at the Indian Springs; and tried to prevent the Creeks from selling their lands to the United States. He sent *William Hambly*, United States' Interpreter, to the Council, to say that he wanted to see the Chiefs, but was jealous of the Commissioners. He told them that they should not give any long answer to the Commissioners, but only say 'they had no lands to sell.' That the Commissioners would threaten, but

their threats would all end in words, as soon as they heard from the Government. Even after the treaty was freely agreed to, he did not cease his opposition. He sent a message by William Hambly, the Interpreter, to tell some of the Indians that they should go away across the line that night, or they would be taken and shut up until they signed the treaty. This party went off in the night, as they were told. The next morning, three men were sent after them, to know why they had gone away; they told these men the message they had received from Col. Crowell, which was the reason of their going. One of these messengers, Ben Daulawza, is now in Washington."

4th. "After Col. Crowell returned from Washington, a council of the nation was called; when the broken hour was out, Chilly McIntosh, and several of the friends of General McIntosh, attended. They called on Col. Crowell for rations, which were refused to the friends of General McIntosh, but were furnished, by Colonel Crowell, to all others. Within eight days after this Council, a hostile party attacked the house of General McIntosh, and killed him and Etome Tustennugge."

5th. "Col. Hawkins and Gen. Mitchell were equal and kind to all the Creek nation, and favored its civilization. Since Col. Crowell has been Agent, he has been good only for his friends and favorites, and to effect his own purposes."

"Now, Sir, we beg our Father, the President, to send an Agent who will be a friend to all the nation equally; and one, in whose hands we can feel safe to go West of the Mississippi."

6th. "If Col. Crowell is continued as Agent, we fear that the friends of Gen. McIntosh will be sacrificed."

7th. "Washington, May 17th, 1825—Father: We beg to know from you, whether Col. Crowell received the money for the annuity for 1825, stipulated to be paid to the Creek nation, by the treaty of the Mineral Springs, in 1821. Col. Crowell, at Broken Arrow, informed the Council that he had made an arrangement with the Government of the United States, that every individual of the nation should receive an equal share of the money which was to be paid under the late treaty. If he did make this arrangement, the party of us going to the Western country will not get enough to pay our expenses. If Colonel Crowell did make this arrangement with you, not one would go to the Western country; because they have no money to bear their expenses, and none to pay for their improvements.

"We beg also to know if the United States will not pay our expenses here, on the business which has brought us to Washington. It is business in which the United States is concerned equally with the Creek nation.

"We beg to be informed to-day, what will be done by our Father, the President, because we are to leave Washington to-morrow."

**CHILLY M'INTOSH,**

**INTULIASKEY M'INTOSH, his x mark.**

**BEN DAULAWZA, his x mark.**

**JIM DAULAWZA, his x mark.**

To the Hon. JAMES BARBOUR, *Secretary of War.*"

In relation to the first charge, it does appear that there has been a mutual opposition on the part of the Agent and General McIntosh ; and it appears, also, from various testimony, that it arose from the integrity and firmness of the Agent, chiefly in refusing to permit McIntosh, who was of an avaricious, unjust, and oppressive disposition towards his own people, to defraud them of the money coming from the Government, through the hands of the Agent ; a practice which, it appears, had been tolerated by the predecessor of the Agent, D. B. Mitchell.

The particular cause of difference alluded to, about Stinson, it appears also existed. It is understood, that Stinson was acquitted by the Court, but it will appear, from various testimony, that the Agent was right in prosecuting him, and that he ought to have been convicted ; particularly from the letter now given by the United States Judge of the Court, Judge Cuyler, to the Agent. The evidence of Gen. Mitchell and Gen. McIntosh perhaps contributed largely to draw from the jury an acquittal, which the Judge intimates was contrary to law, and the charge by the Court to the Jury. The Agent, in Stinson's case, and the Government, had full cause of complaint against General McIntosh.

The Agent admits having had a quarrel with Cells, or Srells, but denies the interference of General McIntosh, who was present, and the consequent inference. Srells, as stated by the Agent, refused to discontinue an affray he was engaged in, in the yard of the Agency, and the Agent admits having threatened him personally from the impulse of the moment. Srells has given an affidavit, which is herewith submitted, highly in favor of the Agent as a public officer, but declined making oath to their personal difference.

The whole of the 3d charge is fully disproven by the mass of testimony now submitted.

The 4th charge is explained and rebutted by the affidavit of Enoch Johnson. The insinuation towards the close of this charge is disproven by the testimony generally.

The 5th charge is fully and clearly disproven by a mass of the most satisfactory testimony.

The 6th charge or request, is unworthy of attention, as well as the fears expressed in the conclusion of it. As it regards the information asked in the first paragraph of the last of these four letters, I state, that it appears the Agent had settled the annuity for 1825, in April last, at the National Council House at Broken Arrow, within a mile or two of Chilly McIntosh's dwelling, who must have been present ; and that General McIntosh, his father, and the Big Warrior, had been delegated by the National Council, in 1824, to purchase goods with the greater part of the annuity for 1825, which were purchased. These facts must have been known to Chilly McIntosh, one of the writers. As it regards the implied charge against the Agent, contained in the second inquiry of this fourth letter, it is only necessary to remind the Department that the arrangement referred to, is one which has been made by the Government, and is the only one which,



in my opinion, could be made consistently with principles of justice. I now proceed to the examination of all such documents or papers as are contained in a pamphlet furnished me by his Excellency the Governor of Georgia, as appear to require examination or notice in this investigation. They are comprised in the 2d part of the pamphlet, and are endorsed: "Documents on the subject of the murder of Gen. McIntosh and other friendly Chiefs of the Creek nation; of the causes which produced it, &c. &c.; accompanying the Governor's message at the opening of the extra session."

The first of these documents appearing to require notice, marked No. 18, is a paper dated 20th February, 1825, signed by Etomme Tustunnuggee Hoethe, Marta Tustunnuggee, Tustunnuggee Oche, and Siah Gray, and Chilly McIntosh as Clerk of the National Council, calling on the Governor of Georgia for protection, and which makes certain statements relative to the danger of McIntosh, and against the validity of the laws of the nation under which McIntosh was afterwards executed. A few brief remarks will show clearly the incorrectness of the statements. The first signer, Etomme Tustunnuggee, who was afterwards killed with McIntosh under the laws in question, it will be found, not only assented to one of the renewals of those laws in 1824, *but will be found as having affixed his signature to it.* The fourth, Siah (or Josiah) Gray, who signed the late Treaty, repented doing so, acknowledged his violation of the laws, returned to the nation long before the death of McIntosh, and was forgiven by the nation. The fifth signer, Chilly McIntosh, the son of the General, although signing himself as the Clerk of the National Council in February, 1825, was notoriously broke as Clerk, for incompetency, at Broken Arrow, in December, 1824. He never was a chief or headman in the nation of any degree, and is shown, by the testimony, *to have spoken of those laws as the laws of the nation, prior to either the treaty at Broken Arrow or the late treaty.*

No 19. The extract from the Executive Journal of Georgia, dated 19th February, 1825.—There is the fullest evidence herewith, to show the statements of General McIntosh to the Governor (which go to show that the opponents of the late treaty were the hostile Indians in the late war,) are incorrect. It is the nation who oppose the treaty, which was made by but one national, and a few inconsiderable chiefs, and a small number of Indians having no right to participate in such transactions, unless in the presence, and under the direction, of the head *National Chiefs*, and in open council of the nation. There was not, I have ascertained, a single National Chief in power in the nation, who had been a hostile, or "red stick," during the late wars, Gun Boy, or Jim Boy, excepted, who acknowledges he was a hostile in the war with Great Britain, but who is shewn by the original certificate herewith, signed by Captain R. Irwin, of the Georgia Militia, commanding Fort Gaines in 1818, to have been a friendly chief in the succeeding wars with the Indians.

No. 20. The report of the Aid-de-Camp of the Governor of Georgia, to the Governor, dated 10th March, 1825.—I see no reason to

think that the Aid de-Camp of the Governor, made any intentional misstatements to the Governor, in his report of his interviews with the Cussetau and Tuckaubatchee Indians: On the contrary, I believe those Indians did, *intentionally, evade the inquiry* of Colonel Lamar, and even deceive him in some of their expressions. They considered the Governor as having no right to send into the Nation messages or threats of any kind, believing the Nation under the protection and control of the General Government, (or, as they express it, "their Great Father, the President,") and were unwilling to communicate their intentions to the Governor or his Aid, for fear that their intentions of executing McIntosh, might, by his second flight, be frustrated. They were therefore unwilling to give him a candid exposition of their intentions towards McIntosh. The talk certified by the Rev. Mr. Compère, and two interpreters, has been handed to me; however, as containing what the Tuckaubatchee Indians assert they stated to the aid of the Governor.

No. 21. Letter of Benjamin Hawkins a half-breed, one of the followers of McIntosh, (and the brother of one of those executed,) to the Governor of Georgia. In this letter, which is dated on the 10th of April, 1825, the writer states, *repeatedly*, that he held a conversation, since the late treaty, *at the Agency*, with the Agent, who, he states, said that he, the witness, and his brother, Samuel Hawkins, (since executed,) "ought to collect the Indians, when General McIntosh was gone to Washington, and burn down his house and destroy his property, because of his disposition to sell the land." This letter, and the writer himself, contradict the statements made in the letter. The writer, (who was employed by General Gaines, at the late Council in the Nation, as an interpreter, at the request of the McIntosh party,) was asked the question, distinctly, by the Agent, in the presence of General Gaines, and several other persons, besides the Special Agent, "Whether he had even been at the Agency between the date of the late treaty, 12th February, 1825, and the date of his letter, 10th April, 1825?" to which he replied, repeatedly, "*he had not.*" This answer is of itself sufficient to shew the inaccuracy of his statements; but there are other reasons which, in my opinion, prove that such a conversation could not have taken place, viz: The writer and his brother, (who was executed with McIntosh, and for the same cause,) were known to be among the followers and adherents of McIntosh, and to have aided largely in inducing the Indians to sign the late treaty! If, then, the Agent had recommended such a course towards McIntosh, it is not probable that he would have done so to either of his adherents.

These particular facts and reasons, together with the character of Hawkins, which is a vicious one, and the general evidence produced, more than shew that the statements of Benjamin Hawkins were intentionally untrue, and founded on bad motives.

No. 22 and 23. The written statements of Samuel Hawkins.—The apparent writer of these statements was executed by the Nation, about the time with McIntosh, being one of the only three executed. The on-

ly statements in them, of a serious character, are fully disproven by various facts of the annexed testimony. The statements, however, are intrinsically unworthy of attention, as there is little doubt they were, in fact, the statements of others, to which he was made to affix his name, as he was incapable of writing them.

No. 24. Letter of Colonel Crowell, the Agent, to Colonel W. Hamblly, the Interpreter, dated 22d August, 1823.—I refer to my remarks on Nos. 13, 14, and 15, as applying to this letter, which is, in fact, a duplicate of one of them.

No. 25. Letter from Brigadier General Alexander Ware, of the Georgia Militia, to the Governor of Georgia, dated Line Creek, (Georgia) May 1, 1825.—This letter appears to contain no evidence or fact bearing on the present investigation, except the important shewing of the writer, of the comparative strength of the parties of the Creek Nation in favor of, and opposed, to the late treaty. He admits that the party *in favor of the treaty*, could only muster 500 warriors, whilst the party opposed to it, *which is, in fact, the Nation*, could muster 4,000 warriors: Further and better testimony, however, shews, that the whole strength of the party *in favor of the treaty* did not, and does not, amount to more than about 300 souls, *including men, women, and children*, whilst the population of the Nation, as has been already stated, amounts to upwards of 20,600 persons.

Nos. 26 and 27. Letters of Peggy and Susannah McIntosh, two of the wives of General McIntosh, and of Jane Hawkins, the daughter of McIntosh, and wife of Samuel Hawkins.—If these letters were the letters of the persons whose names are affixed to them, they would be, from their peculiar situations and feelings, entitled to great respect, even if the facts they state were discredited: but they are apparently signed by Indian women, *neither of whom can write*, and are the effusions of a mischievous and designing man, (Francis Flournoy,) whose character discredits all his acts and assertions. I refer to the remarks already made (No. 3) on his own testimony, for a full and satisfactory knowledge of that character.

No. 28. The letter of Gen. Charles J. McDonald, of the Georgia Militia, to the Governor of Georgia.—This letter goes to shew, that, so far from being concerned in the execution of the laws of the Nation, on McIntosh and others, or recommending or instigating the Indians in those executions, the Agent was involved in so much suspicion with the Indians, because of his having signed the treaty as a witness, it was supposed, (at the moment of their excitement,) by the Agent and others, that he, as well as others, were involved in great danger from them. Time, however, has shewn, although at that period they viewed him as having injured them, in assisting to accomplish the late treaty, that they never did intend injury to himself, or any other white person in or out of the Nation; and that their confidence has been restored to him.

No. 29. Letter from the Governor of Georgia to General McDonald, dated 7th May, 1825, in answer.—From this letter it would appear, if the Governor of Georgia had entertained an impression pre-

vious to the date of it, in favor of the Agent's being in any manner leagued with the nation in opposition to the late treaty, that *such an impression did not exist on his mind, at the time of writing this letter*; for his Excellency speaks of "*the imminent perils which surround him*" from those very persons who, it is since asserted, he was leagued with.

No. 30. Affidavit of Francis Flournoy.—This is the first affidavit given by witness, although the last of the two in the order of examination. The two affidavits, if examined, will be found to contradict each other; but, for the reasons stated in examining his first affidavit, (No. 3,) it is unnecessary to enter on any examination of them.

No. 31. The presentment of the Grand Jury of the U. S. Circuit Court for the Georgia District, at Milledgeville.—The recommendation of the Grand Jury to inquire into the conduct of the white persons in the Indian Nation, having been complied with by the Government, and that presentment implicating no one in particular, or furnishing no evidence, it is not seen that any further proceeding or notice can be had on it.

No. 32. An address from twenty-four of the "Indians friendly to General McIntosh," at a general meeting of that party, in Pike County, Georgia, dated 17th May, 1825.—There is but one matter in this, it is thought, requiring notice. In the body of this address, is published a letter purporting to be from the Little Prince, or Tustunnugee Hopoil, (the head of the Creek Nation, and who sanctioned the execution of McIntosh, and others,) addressed to Chilly McIntosh, dated 4th March, 1825. This letter not only invites Chilly McIntosh home, offering him the hand of friendship and fatherly protection, but, *as printed*, by the introduction of a few words, is made to invite the whole of the party home, and hold out the same offers to them. If the letter were correct, as printed, it would convict the Head of the Nation of a great degree of hypocrisy and malignant intention, totally incompatible with his general character, as admitted even by the McIntosh Indians. It, therefore, became a matter of interest, as connected with the causes leading to the death of Gen. McIntosh, to ascertain, if possible, whether he did write such a letter. It was interpreted to him in the late council distinctly, in the presence of the four interpreters who attended during the whole council, as well as a large number of white persons, and the question asked of him, in open Council, whether he had written the letter? He admitted frankly having ordered such a letter to be written to *Chilly McIntosh*, but denied having authorized the introduction of any words *which would extend its offers to any others of the McIntosh party*. (The Little Prince does not either write or speak English.) The woman who interpreted for him, when the letter was written, (Sukey Randall,) the writer of the letter, (John Owens,) the other white man who signed the letter as a witness with Owens, (Lemuel B. Nicholls,) and Samuel Srells, who carried the letter to Chilly McIntosh, were sought for and found. It will be seen, from their affidavits annexed to this report, that they corroborate the statements of the Little Prince, in their fullest ex-

tent, as to his intentions in writing the letter ; and that Chilly M'Intosh, who was invited home by that letter, and he alone, did return home in consequence of it, where he remained protected in peace and security until within a few days of his father's death, when he again left home and joined his father ; and it does not appear, as reported, that the Nation, or any one in it, have ever attempted to injure him since the offer of protection, either at the time of his father's execution or afterwards, except in his own friends' assertions, which are contradicted by the well known fact, from the number of the party sent to execute the General, that, if such had been their intentions, there was no obstacle in their way in putting them into execution.

Having now gone through the examination of all the evidence offered in support of the charges preferred by his Excellency the Governor of Georgia against the Indian Agent, Colonel Crowell, I shall next detail the evidence collected during the examination. It will consist of little more than a list of it, as it has already been freely adverted to. This class of testimony is numbered from No. 33 to No. 93, inclusive.

No. 33 is a letter from Judge J. Cuyler, United States' District Judge for the District of Georgia, and one of the Associate Judges of the United States' Circuit Court for South Carolina and Georgia, to the Indian Agent, dated 14th July, 1825, at Savannah.—This letter relates to Stinson's affair, and is heretofore fully referred to.

No. 34, Affidavit of Captain Thomas T. Triplett, Sub-Agent for the Creek nation, and acting Agent during the suspension of the Agent. The evidence of this witness is entitled to full credit, in my opinion, in any case, from the character of the witness ; and is entitled to peculiar credit in the present investigation, inasmuch, as from the high character of the witness, and his present situation, if the Agent had been found guilty of any charge, and removed from office, the witness would have had at least as good a chance of succeeding him as Agent, as any other person. If, therefore, he could have been actuated by improper motives or feelings, his interest might have dictated to him the crimination of the Agent.

No. 35, Affidavit of Colonel William Hambly, United States' Interpreter for the Creek nation.—This gentleman's testimony is, in my opinion, entitled to full credit. I feel authorized in adding, that my opinion of the witness is fully corroborated by that of General Gaines, who has known him for a long time. He has been implicated as being opposed to a treaty by the Commissioners who made the late one, and their Agent, Colonel Williamson. I have no hesitation in giving my opinion, that it was intended to destroy the confidence of the Government in this witness, in order that the Agent might not be enabled to avail himself of important facts, within the knowledge of this witness, in favor of the Agent, and against the Commissioners and their Agents. His integrity was fully tested by the Agent of the Commissioners, who offered him a bribe of 8,000 dollars.

No. 36, 37, and 38. Testimony of the Rev. Isaac Smith, the Rev. Lee Comper, and the Rev. W. C. Hill, the missionary gentlemen in the

Creek nation.—Mr. Smith is a gentleman venerated for his age and his virtues. He was a Revolutionary patriot, but, for the last forty years, I am informed, has sustained an unblemished character as a minister of the Methodist Church in the Southern country. For twenty-seven years of that time he resided, I am informed, in or near one place, (Camden, S. C.) where, as well as in the Southern country, generally, he is well known, and not only respected but venerated for his pious and consistent character and virtues. This gentleman answered the interrogatories of the Georgia Commissioners, under as much excitement of feeling as a man of his age and character was capable of entertaining. The interrogatories were intended, if possible, to make him contradict the statements of his letter, which had already been published. In addition to which, one of the Commissioners, Colonel W. Jourdan, had said (after delivering the interrogatories to him, but before they were answered,) that, notwithstanding the character of Mr. Smith, he would not believe any thing he would say, even if he were to make oath to it. This was known to Mr. Smith at the time he wrote his answers to the interrogatories of the Commissioners. The Rev. W. C. Hill is the assistant of Mr. Smith, at the same station. He is an amiable man, of unimpeachable character.

The Rev. Lee Compere is the Missionary of the Baptist church in the Creek nation. He is a gentleman of fine talents, and exemplary character.

All those gentlemen enjoy, it is believed, the full confidence of their Societies. Their testimony, which is decidedly in favor of the Agent, on the charges preferred against him, is entitled to the more weight, as it is understood they have not, until of late, been satisfied with the Agent, on one account, and on one only, viz: that he would not exert himself, or compel the Indians to attend preaching. They, at the same time, freely acknowledge his friendly care and aid in the Missionary schools of the nation.

Respecting the religious scruples of those gentlemen who would prefer not making oath, *unless in cases of absolute necessity*, I did not urge them to it. They are, however, as will be seen by their statements, willing to do so, if deemed necessary by the Government. I considered their characters and calling sufficient to give the fullest credence to their statements on any subject, without an affidavit.

No. 39. Affidavit of Mr. Wm. Scott.

No. 40. Affidavit of Major O. H. Kenan, of the Georgia Legislature, a member of the Committee of Investigation.

No. 41. Affidavit of Dr. M. Bartlett, of Milledgeville.

No. 42. Affidavit of Wm. Hemphill, of Twiggs county, Georgia.

No. 43. Affidavit of Laird W. Harris, of Putnam county, Georgia.

No. 43. 2d affidavit of Luther Blake, a licensed trader in the nation, residing on the Flint river Reserve, and being Deputy Postmaster.

No. 44. 1st affidavit of John A. Peck, Deputy Postmaster at Montgomery, Alabama, and formerly Deputy Postmaster at the Agency.

No. 44. 2d affidavit of *John Buchanan*, of Crawford county, Georgia.

No. 45. Affidavit of *Lysander Burdick*, Mail Carrier, from the Flint to the Chatahochie river.

No. 46. Affidavit of *John Winslett*, a white man, residing in the Creek nation.

No. 47. Affidavit of *Jesse Wall*, a tavern keeper in the nation, and licensed trader.

No. 48. Affidavit of *Nimrod Doyle*, a white man living in the Indian nation.

No. 49. Affidavit of *Joseph Hardage*, a white man, living in the Indian nation.

No. 50. Affidavit of *Drury Spain*, a tavernkeeper in the nation, and licensed trader.

No. 51. Affidavit of *Enoch Johnson*, a white man, a mechanic or builder in the nation. (This witness is now, and has been for some months, in the employ of a brother of the Agent's.)

No. 52. Affidavit of *Lemuel B. Nicholls*, a white man, residing in the nation.

No. 53 and 54. Affidavits of *Andrew* and *John Berryhill*, white men, residing in the nation.

No. 55. 1st Affidavit of *Samuel Srells*, a white man, residing in the nation.

No. 55. 2d Affidavit of *Haines Crabtree*, a tavernkeeper in the nation.

No. 56. Affidavit of *James Randall*, a white man, residing in the nation.

No. 57. Affidavit of *Lewis Wynn*, a licensed trader in the nation.

No. 58. Affidavit of *Wm. Lott*, a white man, residing in the nation.

No. 59. Affidavit of *James Hutton*, a white man, born, and still residing in the nation, who acted as interpreter to the party sent to execute McIntosh.

No. 60, 61, 62, and 63. Affidavits of *Sukeey Randall*, a half breed, *John Owens*, *Lemuel B. Nicholls*, and *Samuel Srells*, white men, residing in the nation. These affidavits relate solely to the letter of the Little Prince, the Head of the nation, to Chilly McIntosh.

No. 64. Affidavit of *John Clemens*, of Baldwin county, Georgia.

No. 65. Letter from *John C. Kennedy* to the Agent, admitting that he was not the man he (Kennedy) had sworn to before the Committee as the Agent.

No. 66. Affidavits of *Michie Barnard* and *Timpoochie Barnard*, two half breed Indian chiefs, rebutting the testimony of *Wm. Barnard*.

No. 67. Certified extract from the Journals of the Georgia Senate, acting as the "High Court of Impeachment disfranchising *Francis Flournoy*."

No. 68 and 69. Affidavits of *Lewis Calfrey* and *Drury Spain*, in corroboration of that of *Hambly*, in which he (*Hambly*) swears that *Colonel W. W. Williamson*, the Agent of the United States' Commissioners, offered him a bribe of eight thousand dollars.

No. 70. Affidavit of *Major John H. Brodnax*, of Upson county, Georgia.

No. 71. Affidavits of *Richard J. Nicholls*, merchant, of Milledgeville, Georgia, relative to Maj. James Meriwether, one of the United States' Commissioners, and D. B. Mitchell, and General McIntosh.

No. 72. Affidavit of *John T. Lamar*, merchant, of Bibb county, Georgia, showing the fact that the money placed in the hands of the United States' Commissioners, under the late treaty, has been diverted from the proper purposes, and has been loaned and used in mercantile speculations.

No. 73. Testimony of *Joel Bayley*.—The testimony of this witness, given with great reluctance, even as far as he was willing, or did go in it, is important. It admits the correctness of *Nimrod Doyell's* testimony in relation to a bribe offered him by witness; the attempts, at Broken Arrow, to bribe the Little Prince, the head of the nation; the means made use of to procure the assent of General McIntosh to a treaty, and the alarm of McIntosh when those means were discovered by the chiefs in Council, and his flight from Broken Arrow; and, finally, corroborates the other testimony going to show that the United States' money in the hands of the Commissioners was loaned to merchants, and thereby diverted from the purposes of the Government, and its true uses.

No. 74. Affidavit of *Micajah C. Williamson*.—This witness is the nephew of Colonel Campbell and of Colonel W. W. Williamson, who was employed by the United States' Commissioners. He gave evidence, consequently, with great reluctance; but, having made the statements detailed in his affidavit to others, verbally, when called on, gave his affidavit. His testimony, in addition to other matters, shews, as strong as circumstantial testimony could well shew, that Colonel Williamson participated in the profits arising from the money placed in the hands of the Commissioners, and, as inferred from it, used a part of that money in speculations in negroes.

No. 75. Affidavit of *Solomon Belton*, of Milledgeville, corroborates the statements of the acts resorted to by the Commissioners at Broken Arrow to effect a treaty; the agency of Williamson in those transactions; and is of general interest in the investigation.

No. 76. Letter from D. G. Campbell to Captain T. Triplett, 24th August, 1824; referred to in the remarks on the testimony of Colonel Campbell.

No. 77. Questions put to the chiefs, head men, and warriors, of the Creek nation, assembled at their National Council and House, at Broken Arrow, 29th June, 1825, by Major General E. P. Gaines, at the request of the United States' Special Agent, T. P. Andrews, "as to the conduct of the Creek Agent, Colonel J. Crowell, and the causes of the death of McIntosh;" together with their answers given to the General.

No. 78. List of the signers to the treaty of 12th February, 1825, with their gradé, character, or rank, as given to Major General E. P. Gaines, in full Council of the Creek nation, at Broken Arrow, on the 30th June, 1825, in the presence of a large number of persons, besides their own people; certified by General Gaines, by the Acting Agent, by the United States' Interpreter, by the Aïd-de-Camp of



General Gaines, and by the United States' Special Agent; elicited by one of the questions in No. 77. I regard the two papers, No. 77 and 78, as of high import, and shewing truth on the face of them. They were given to General Gaines, as stated, in a full, open, solemn Council of the Creek nation, there being about 1,900 or 2,000 Indian men present about the Council, 800 or 1,000 of whom were chiefs, head men, and warriors, and law-makers or law-menders, being all the superior men of the nation; besides a large number of white persons.

Such councils are held with great solemnity, after a tedious probation, under the superstitious observances handed down to them from generation to generation; and whatever variant opinions may be entertained as to the veracity of individual Indians, no person who has had an opportunity of becoming acquainted with their customs, can doubt the truth of statements made by them *in open council*. No Indian, in a state of intoxication, or other irregular practices, will even approach the council. Every Indian in it is presumed, by their superstitious customs, to be in a state of purification. In regard to the papers here remarked on, there is, I believe, not a single important statement in them, which is not corroborated by other evidence.

No. 79. Report of the Indian talks or speeches at Broken Arrow, at the late council, as reported by the United States' Special Agent, and certified by the four Interpreters present, so far as they shew the views of the nation, of the causes of the death of McIntosh, the conduct of the Agent, and the causes of the late disturbances. (For documents Nos. 78 and 79, see letter of Special Agent to the Secretary of War, dated Princeton, Indian nation, 4th July, 1825.)

No. 80. Letter from the chiefs of the Cherokee nation to the Big Warrior, one of the two principal chiefs of the Creek nation, exposing the attempts of General McIntosh to bribe certain chiefs of their nation on a late occasion.—This letter is referred to in the journals of the United States' Commissioners for holding a treaty with the Creeks, and in the remarks on the evidence.

No. 90.\* Statement of Colonel Stedham, a half breed, and head chief of the Suogolo and other towns of the Creek nation, as to the cause of the departure of the Indians from the Indian Springs during the late treaty. Referred to in the investigations and the evidence.

No. 91. Talk of the chiefs of the Tuckaubatchee town, to Col. Lamar, the Aid-de-Camp of the Governor of Georgia, as given by the Rev. Mr. Compere, at their request, to the Indian Agent, 28th May, 1825, and letter of Governor Troup to them.

No. 92. Statement given by the national and other chiefs and head men of the Creek nation to the Indian Agent, on the 14th May, 1825, (prior to the examinations by Government,) as to the cause of the death of McIntosh and others; taken down at their request by

\* Note. The chasm in the numbering, both here and in the corresponding place in the file of papers referred to, is stated, by Major Andrews, to be a clerical error merely, no papers being missing from the series.

the Rev. W. C. Hill, and Charles Cornells, an Interpreter; also, containing a certificate of the Rev. Isaac Smith and the Rev. W. C. Hill, of a conversation, held on the 25th of the same month, between the Indian Agent and the Little Prince, (the head of the nation,) in regard to the same event; which conversation also took place in the presence of the Rev. Samuel K. Hodges, Presiding Elder of the Methodist Church in Georgia, who is also one of the signers.

No. 93. A manuscript note in the hand-writing of Chilly McIntosh, son of General McIntosh, and the apparent writer of some papers which relate to the late disturbances in the Creek Nation. Filed to shew that the writer could not have written the various letters, &c. published as his productions.

In closing this report, I consider it proper to advert to the circumstances under which the investigations were conducted. It will be observed, from my correspondence, that, during the collection of testimony by the prosecuting party, the Agent was not permitted to exercise those privileges which are considered as vested rights in all accused parties. He was not confronted with the witnesses against him, nor has he had any opportunity of cross-examining them. He was not furnished with the means, freely exercised by the prosecution, of compulsory process in compelling the attendance of witnesses; nor was he even informed of the nature and cause of the accusations, until the proceedings had against him, were spread before the public in pamphlets and in the newspapers, and until his dismissal was demanded on those ex-parte proceedings. On the other hand, before he commenced the collection of testimony in his defence, he invited the Commissioners, (appointed by his Excellency the Governor of Georgia to take further evidence against him,) to be present, and to exercise the right of cross-examining all the witnesses whose testimony he might apply for. The Commissioners, in that stage of the proceedings, held out to the Agent, in their written correspondence, a corresponding determination to permit him to cross-examine any witnesses they might examine; and even encouraged the hope, on the part of the Agent, that the witnesses who had been examined before the committee of the Legislature of Georgia, should be convened for his cross-examinations.

Whilst I feel it due to the Agent to bear testimony to the fairness with which he complied with his offer, (the Commissioners having had in the Nation all the opportunities they chose to enjoy, of examining his evidences, and of cross-examination.) I am compelled to say that the Commissioners of Georgia only "kept the word of promise to his ear, and broke it to his hope:" for, before leaving the Nation, they positively refused to suffer the Agent to see any of the testimony they had taken; nor have they ever attended to his requests, conveyed to them both verbally and in writing, of convening the witnesses, examined before the Committee of the Legislature, for cross-examination, although they had full power to do so, if they had thought proper.

The prosecuting party have therefore had every advantage which the "compulsory process" of obtaining witnesses could give them; whilst the Indian Agent could only avail himself of *voluntary* testimo-

ny. Notwithstanding this vast advantage enjoyed by his accusers over him, it is considered that he has fully succeeded in establishing his entire innocence of the charges preferred against him.

With the highest respect,

I have the honor to be, Sir,

Your obedient servant,

T. P. ANDREWS,

*Special Agent,*

To the Hon. JAMES BARBOUR,

*Secretary of War, Washington.*

DOCUMENTS ACCOMPANYING MAJOR ANDREWS' REPORT.

No. 1.

*Interrogatories to be put to Duncan G. Campbell, Esq. U. S. Commissioner, relative to the improper interference of John Crowell, the Governmental Agent for the Creek Nation, with the late Treaty, concluded for the use of Georgia.*

1st. Please state whether or not you have, at any time, heard the Indian Agent, Col. Crowell, express any determination to restrict the nation from ceding lands to this State, so far as he might have it in his power. If yea, please say when and where it was, under what circumstances this resolution was avowed, and upon what condition it was predicated.

2d. Relate, if you please, any conversations which you may have had with persons connected with, or in the employ of, the Agent, and which would manifest the hostility of the latter to the interest of Georgia, and the policy of the General Government.

3d. Have you reasons to believe that the Agent, Col. Crowell, was decidedly inimical to the cession of territory by the Creeks, and that he interposed obstacles to obstruct such cession? If so, be so good as to state what are the grounds of that belief.

4th. Relate all you know, which would implicate the Agent, Col. Crowell, with having improperly intermeddled with the interest of this State, or with having instigated the late massacres of McIntosh and his friends in the Indian country. Were, or were not, the acts of the Sub-agent, referred to by you, known to the Agent? If yea, did he, or did he not, attempt to restrain them, and was he requested so to do?

*State of Georgia:*

Duncan G. Campbell appeared, under process of subpoena, before the Committee on the State of the Republic, and being sworn in the presence of said committee, and furnished with interrogatories, and also with a resolution of the committee touching the inquiry which

has been instituted into the conduct of the Agent for the Creek Nation, answered as follows :

The interrogatories propounded to examinant, seem to him to admit of consolidation, and of an answer of more general tenor than the interrogatories themselves would appear to contemplate.

They require the relation of all facts within the knowledge of examinant, going to show the hostility of the Agent of Indian Affairs "to the interests of Georgia and the policy of the General Government."

They require the statement of all facts which would implicate the Agent with having instigated the late massacres of McIntosh and his friends in the Creek Nation.

They require the belief of examinant, and the reasons of it, whether the Agent was not decidedly inimical to the cession of territory by the Creeks.

They require to be related all conversations which examinant may have had with the connections, or persons in the employ of the Agent, which would manifest the hostility of the latter to the interest of Georgia, and the policy of the General Government. The two latter requirements of the interrogatories may be briefly disposed of thus :

There is no fact within my knowledge which would implicate the Agent with having instigated the massacre of McIntosh and his friends in the Indian country.

Of the persons with whom I had conversed upon the subject of the treaty before it was concluded, I know not which of them, or whether any, were in the "employ" of the Agent. I have heard individuals, and among them a connection of the Agent, make declarations which I considered inimical to the interests of Georgia and the policy of the General Government. These I supposed to be superinduced by interest or prejudice, or both, and regarding them as silly and inconsistent, and perhaps as irrelevant, I omit to detail them.

These two latter grounds being disposed of, I am carried back to the two first, and they in substance resolve themselves into one, which is directed to the simple inquiry of, whether, from conversations which I had had with the Agent, and from other facts, it is not my belief that he was "inimical to the interests of the State of Georgia and the policy of the General Government," as connected with a cession of Creek territory ?

I cannot resist the belief that he was opposed to a treaty. I had a conversation with him in November, 1823, just after the Commissioners had returned from an unsuccessful mission to the Cherokees. We had both been disappointed in our wishes and calculations as to the result of the Governor's election, and expressed to each other that disappointment in terms of feeling and regret. In the course of conversation, we spoke of the prospect of a negotiation with the Creeks for a cession of territory. The Agent observed, in substance, that he had had the thing fixed, and I think added, that we should have got the land below the Federal road. He advised me to resign my appointment as United States' Commissioner, intimating that the re-

sult of the election had operated a change in his feelings in that regard. The conversation was desultory, and regarding it as the effusion of the moment, it did not impress me so strongly as that I am now enabled to make a more minute detail. I did not consider these declarations at the time as evidence of "settled hostility to the interests of Georgia, and the policy of the General Government," or of a disposition "decidedly inimical to a cession of territory by the Creeks." On this account I did, afterwards, in the Summer of last year, to the Secretary of War, and to my colleague, express a confidence that the Agent would "afford us all the facilities within his control." The written correspondence which I conducted with the Agent previous to the meeting at Broken Arrow, my correspondence with the War Department in January, and the entire proceedings which occurred pending the treaty at the Indian Springs in February, I perceive are before the committee. From these, I derive the fact of the Agent's assumed neutrality at Broken Arrow, which the President determined to be incompatible with his duty; the fact, that he failed to report or restrain the adverse movements of his assistant Agent; and the fact, that, by his letter of the 13th February last, he aimed to prevent the ratification of the treaty, to the formalities of which he had before made no objection, and which had obtained the sanction of his official attestation.

Having given my belief, and the reasons of it, as required by the interrogatories exhibited, and perceiving no other matter material to be answered, I subscribe these my reasons, and submit the same to the committee.

DUNCAN G. CAMPBELL.

In answer to an additional interrogatory propounded to the Commissioners in presence of the Committee, they refer to that part of the printed documents in possession of the Committee which contains a journal of their proceedings at Broken Arrow, and a report of one of the Commissioners to the Secretary of War in January last.

DUNCAN G. CAMPBELL,  
JAMES MERIWETHER.

DAVID BLACKSHEAR, *Chairman.*

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No. 2.

*Interrogatories to be put to Major James Meriwether, relative to the Agent, Colonel Crowell.*

1st. Have you any reasons to believe that the Indian Agent, Col. Crowell, has improperly interfered with the rights and interests of Georgia, or was concerned in instigating the recent murders in the nation? If yea, please state what are the grounds of that belief.

To the first part of the interrogatory I answer, that I have, and the following are the reasons of that belief:

In a conversation I had with Colonel Campbell, the second week in November last, in reference to the disposition of the Agent, Col. Crowell, to promote our success in the approaching negotiation, he gave me, substantially, the following account :

That Colonel Crowell, in the afternoon of the day on which Gov. Troup was elected, said to him, (Colonel Campbell,) "that he had prepared the Indians to cede a part of their lands," or "that he had it all fixed;" distinctly intimating, however, that, as Troup had been elected Governor, he must not expect success to attend any application which might be made to the Indians while he (Troup) was in office; and concluded, by advising him (Campbell) to resign.

Taking into view, however, the time when, and the occasion upon which, this declaration was made, I attributed it to the excitement of the moment, consequent upon his disappointment in the issue of the contest between Governor Troup and Captain Talbot. But in this I have reasons to believe that I was mistaken :

1st. Because Colonel Crowell neglected to communicate to the War Department, or to the Commissioners, the "Tuckabatchee Talk," which, I believe, had been held principally by the chiefs on the Alabama side of the nation, with a view to prevent our success, in the Spring of 1824, and was known to the Agent as early as the month of June thereafter.

2d. Because he assumed a neutral position, as he stated, during the negotiation at Broken Arrow, and did not afford us that aid which we had a right to expect from the Agent of the Government, in promoting its views, especially, when he frequently declared his conviction that an exchange of territory, and a removal to the West of the Mississippi, would essentially benefit the nation; and when the proposition we had made, or intended to make, was communicated to him, he observed, that the Indians would be fools if they did not accept it.

3d. Because I have reasons to believe that Colonel Crowell knew of the movement by which the departure of the Cussetahs from the Indian Springs was effected, after we had been informed of their willingness to enter into a treaty; the reasons for which belief are, that, from the devotion of Hambly, the Interpreter, (whose agency on that occasion was proven to my satisfaction,) to Colonel Crowell, and his lodging in the same room with him, I cannot believe he would have taken a step so responsible, without the privity and consent of the Agent.

These circumstances may have made a stronger impression on my mind, than they might have done on others, and if they be too strong I hope it will be made apparent; but they constitute the ground of my belief, and, as such, I offer them to the committee.

To the latter part of the interrogatory I answer, that I have no reason to believe that he was concerned in the recent murders in the nation, other than those already in the possession of the committee.

JAMES MERIWETHER.

DAVID BLACKSHEAR, *Chairman.*

## No. 3.

*Interrogatories to be exhibited to Francis Flournoy.*

1st. Were you at General William McIntosh's on the night of his murder?

2d. If you conversed with his murderers on the subject, please state what cause they assigned for their conduct?

3d. Have you been recently in the Creek country? If yea, state what are the grounds which the Indians assign for the murder of McIntosh.

4th. Relate any fact which may go to shew the determination of the hostile Indians to murder McIntosh, and which occurred previously to the attempt on the part of the Executive of Georgia to obtain the consent of the Indians to survey the territory?

5th. Do or do not the Creek Indians, hostile to the treaty, express, at this time, their firm resolve never to abandon the territory; and, particularly, when asked whether they would consent to have the territory surveyed after September, 1826, do they, or do they not, deny any right on the part of the State, at that time, than at the present?

6th. Were any of the Indians who murdered McIntosh painted?

7th. Were there any guns discharged at Chilly McIntosh?

8th. State whether or not you have heard the Indians say, during your stay among them, that McIntosh's giving his consent to have the territory surveyed, had caused or hastened his death; or, on the contrary, have they not uniformly attributed his murder to his ceding the land?

*Answers of Francis Flournoy before the Committee on the State of the Republic.*

To the 1st question, he answers: Witness was at General McIntosh's the morning of his murder; conversed with one Hutton, a white man, who was also there; observed to Hutton, that that was a rough way of doing business; he answered, yes, but it was their way; he said he was sent by the head chiefs as Interpreter, &c.

To the 2d. He was last week two days in the lower part of the Creek nation, and mixed much with the Indians, and after speaking with them on the death of McIntosh, they answered, it was good; it was in pursuance of a law he helped to make at the Pole Cat Springs, and published at Broken Arrow.

To the 3d. A little before the ratification of the treaty, and before Colonel Lamar went out to the nation, I was in the nation, and there saw a white man who had married an Indian woman, and resided in the nation. He had moved with his stock down near the Early line, and gave, for reason, the Indians were dissatisfied with the treaty; that Colonel John Crowell had gone on to prevent the ratification of it; that the Indians had determined, if that measure failed, to kill

McIntosh ; this would certainly produce a war, and he wished, in that event, to be near the line with his stock, that he might conveniently move them out of the nation.

To the 4th. Witness conversed with a white man, and several, say from twelve to twenty, of the hostile Indians, last week. They said, that the Indians would hold themselves in readiness, and kill the first surveyor who stretched a chain across the land, and then kill all those who afterwards came to survey it. Witness asked them, if they would not allow it to be surveyed after the time was out? They said the time would be never out; that those who made the treaty were dead, and that there was now no treaty. The white man said, that one of their chiefs had marked the size of his foot, and said the whites should never have that much of their land while there was an Indian living in the nation; that the white man might manure the land with the bodies of the Indians, and walk upon their bones. Witness then asked the old white man, (whose name was Horal or Harod,) to tell him, seriously, whether he did not think the Indians would consent to the survey of the lands after the 1st of September, 1826? He damned the day, and asked witness, what he thought the Indians knew or cared for that day? They would as soon the white people should have it now as then, but were determined they never should have it.

To the 5th. A good many of the Indians who murdered McIntosh were painted. Witness says, several, perhaps from twelve to twenty, guns were shot in the direction that Chilly McIntosh and Kennard retreated. The Indians said they had discharged these guns at two men, who, witness is certain, were Kennard and Chilly McIntosh. Witness, from the time, distance, and direction, had previously no doubt of the fact. Witness never heard the Indians or any of them suggest, that McIntosh having agreed to have the land surveyed, was what they killed him for. The reason given by the hostiles to witness, and, in his presence, to McIntosh's family and others, was, uniformly, that he had broken the law, which was frequently explained to mean the law of the Polecat Springs. They last week suggested, that, if an attempt should be made to survey the land, it would produce difficulty, but he never before heard them say any thing about surveying; and, on this late occasion, he did not learn that the question of surveying ever had produced any difficulty.

FRANCIS FLOURNOY.

Answered, sworn to, and subscribed, before me, this 7th June, 1825.  
D. BLACKSHEAR, *Chairman.*

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No. 4.

*Interrogatories to be exhibited to Abram Miles.*

1st. Were you, or were you not, in the Creek Nation immediately before or since the late treaty? If yea, please say whether or not you



had an interview with Col. John Crowell, his agents, or connections? and if so, what is the tenor and purport of the conversations held with you, or in your presence and hearing, relative to the treaty?

2d. Did you, or did you not, hear any thing from Col. Crowell, his agents, or connections, which would manifest hostility to the policy of the General Government, the interest of Georgia or the friendly Indians, and which would implicate them in the late massacres and disturbances in the Creek country? If yea, please state the same fully and at large.

**JOSEPH HENRY LUMPKIN,**

*Examining Member of the Joint Committee on the State of the Republic.*

To the first interrogatory exhibited to me by the committee, I answer: That I was on my return from Alabama to Georgia, and called in at Col. John Crowell's, at Fort Mitchell, on the 27th of April last, at which time some conversation took place between myself and the Agent, respecting the late treaty, and the dissatisfaction of a part of the Indians, on account of the ratification of the same, which the Indians did not believe, until he, Crowell, returned from Washington and informed them; which information appeared to displease a part of the Indians, relating to the Tuckabachees, &c. very much.

To the second, answer: that Col. Crowell informed me, at the same time and place, that Gen. McIntosh was, at that time, at his residence, with a guard around him, and that he would be killed by the party opposed to the treaty. And further stated, that there was not one Chief in the nation, who knew any thing about sanctioning the surveying of that part of the land, which falls within the boundaries of Georgia, except McIntosh, who had himself authorized the Governor to proclaimate the same.

Nothing else material recollected in answer to the questions.

Respectfully,

**A. MILES.**

4th June, 1825.

In answer to a question from the committee, witness further states, that he understood from Crowell, that McIntosh, having concurred in ceding the land, was the cause of the hostile disposition of the Tuckabatchee Indians.

In answer to an interrogatory from the committee, he further answers, that Crowell did not state it as though he would do it. He, however, spoke very confidently of it, as an event that would certainly take place by the Indians. Witness says, that, before he saw Crowell, he saw certain Indians who said they belonged to the Tuckabatchee Towns. These Indians seemed very much incensed, and said he would and should be killed. They gave as reason, that he had been instrumental in selling their lands without their consent.

**A. MILES.**

Answered, subscribed, and sworn to, before the committee, this 4th June, 1825.

## No. 5.

*Interrogatories to be exhibited to Harris Allen, of Baldwin County.*

1st. If you are privy to any facts or conversations which would show the hostility of Col. John Crowell to the interests of Georgia, and the policy of the General Government, or which would implicate him, Col. John Crowell of instigating the late massacres of McIntosh and his friends, please state the same fully and at large.

2d. Please state if you know the relationship which exists between Henry Crowell and the Agent, Col. John Crowell.

*Answers of Harris Allen before the Committee.*

Mr. Allen was present at the time of the last session, he thinks, when Henry Crowell was conversing with several persons in respect to the contract for provisions, and about the treaty, and whether any land would be obtained. Henry Crowell, after using some very profane language on the subject, said we would not get a damned foot of land; and, after repeating this assertion, he said, we should not get any land, unless some particular persons (not naming them) were damned well greased. Witness cannot express any opinion as to who was meant to be greased.

2d question. Witness answers that Henry and John Crowell were known as brothers, generally. He understands Henry Crowell resides in the nation. John Crowell was not present at the time, and witness does not know as his name was mentioned. Understands Henry Crowell trades in the nation under a license from his brother, the Agent.

H. ALLEN.

DAVID BLACKSHEAR, *Chairman.*

## No. 6.

*Interrogatories to be exhibited to Elijah M. Amos.*

1st. Have you ever been present at a council of the Creek nation of Indians within the last twelve months? If yea, please state when and where it was held.

2d. Did the Agent, Colonel John Crowell, attend said council?

3d. Relate all you know that came within your observation relative to the conduct of the Indians, the Agent, and other white men, who were present at the council.

4th. Did you, previous to the proclamation, observe the Agent in conversation with Walker, Doyle, and Hambly, or any or either of them?

JOSEPH HENRY LUMPKIN,  
*Examining Member of the Committee.*

*Answers of E. M. Amos to the questions propounded by the Committee.*

To the 1st question he answers : I was present in July, 1824, at a council of the Creek Indians at Broken Arrow.

To the 2d question he answers : I did.

To the 3d question he answers : It was announced by some person in the square where the council was held, that something was to be read or communicated that they did not wish the white People to hear. Accordingly, all the white People retired from the square; among the rest, Colonel Crowell and the witness, leaving no white persons in the square but Hambly, the Interpreter, and Walker, the Sub-agent. Afterwards, witness being behind the cabin, in front of which the council was held, heard Walker read part of a long paper, which was translated by Hambly into the Indian language. The following was, in substance, contained in what witness heard : "We speak this to you in council. We wish you to live like the Cherokees, and not sell your lands, or a foot of them." Witness understood it to be a communication from the Cherokees. Before they had got through with reading it, one Doyle, a white man, who acted as marshal on the occasion, came to witness, and told him that the Agent, Colonel Crowell, said he must go away; that he must not hear that paper read. Colonel Crowell was not in hearing when this order was delivered to witness. The witness went away. Witness also saw them reading and translating another piece, of which he heard nothing, but understood, from the talk among them, that it was a communication from a friend in Tennessee.

To the 4th interrogatory he answers : That he arrived at Thomas Crowell's, he thinks, on Monday or Tuesday evening. The council commenced its sitting, he believes, a little before or after he got there. Colonel Crowell was there when the witness arrived. The council sate, he believes, a day or two after witness left there. McIntosh was present at the council. Witness understood the object of the meeting of the Indians was said to be to receive their annuity; at least, they did there receive it.

ELIJAH M. AMOS.

Answered, sworn to, and subscribed, before me, this 6th June, 1825.  
D. BLACKSHEAR, *Chairman.*

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No. 7.

*Interrogatories to be exhibited to Jesse Coxce, relative to the murder of General McIntosh, and his friends.*

1st. Were, or were you not, at the store of Thomas Crowell, in the Creek Nation, on the twentieth of April of the present year, or some time during that month? If so, please state whether, or not, you saw the United States' Agent, Colonel Crowell? If yea, please state

whether, or not, you heard him make use of the following expressions, or words of similar import; "Damn'd cowards, I always hated them; I still hate them worse and worse. Any people that would suffer one man to sell their nation ought to die and go to hell. I once put that fellow (meaning McIntosh) down, where he ought to remain; but the Big Warrior and Little Prince reinstated him—I hope the Big Warrior is now in hell for it, and that the Little Prince may soon follow him. When I was at Washington, I communicated to General Jackson the grievances of this People. He with a voice of wonder, asked if the Creek Nation had lost all spirit of resentment?"

2d. If you did not hear the above expressions as quoted, relate what you did hear on this subject, and whether any persons were present.

To the first question he answers, I was.

To the second question he answers, I did.

To the third he answers, I did hear the Agent make use of those words.

To the fourth he answers, I heard nothing more.

JESSE COX.

Answered, subscribed, and sworn to, before me, this 28th day of May, 1825.

DAVID BLACKSHEAR, *Chairman.*

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No. 8.

*Interrogatories to be exhibited to Henry Brazeal.*

1st. Have you ever heard any conversation of Colonel John Crowell, his brother Henry, or the Sub-Agent, Major Thomas Triplett, relative to the sessions of lands to Georgia by the Creek Nation? If yea, please state the same.

*Answers of Henry Brazeal before the Committee.*

Witness was at the house of Henry Crowell in last December, in the Creek Nation. Thomas Triplett, the Sub-Agent, was there, and said, if they (the Indians) should come to him for advice while Troup was Governor, he should advise them not to sell their lands. This was before the attempt to hold the treaty at Broken Arrow.

G. H. BRAZEAL.

Answered, sworn to, and subscribed, before me, this 7th June, 1825.

DAVID BLACKSHEAR, *Chairman.*

## No. 9.

*Questions to be propounded to John C. Kennedy.*

1st. Have you ever heard John Crowell conversing about the Creek Indians? If so, when was this?

2. What did he say?

Witness answers the first question: That, last Sunday, between breakfast and dinner, he heard a conversation in the piazza, either at McComb's or Huson's, between two persons, one of whom had on homespun pantaloons, and the other being a man of rather dark complexion, whom they frequently called Colonel Crowell.

In answer to the second question, he says, That Crowell, speaking of the Indians, said, "Those Indians are damned fools; I wonder what they are doing here; I will have them harnessed and taken back." He was asked by the person conversing with him, whether he did not think the lives of the Indians were in danger. He answered, No; he did not think there then was danger, or ever had been danger. He was asked whether he did not think there was danger when some of them were killed? He said McIntosh was killed in pursuance of the laws, and, damn them, he wished more of them had been killed, for the balance would then have been more easily governed. He was asked, whether he did not consider himself in danger? Crowell asked if it was meant the laws of this State? He was answered, Yes. He replied, he did not; that he considered himself out of their reach. He was told it would cost him a good deal of money. He said he expected it would, but he expected to have money enough to pay that, for he should have a good deal of money in the end, let the thing go as it would. The gentleman told him, he believed he deserved hanging; upon which they appeared to be both very mad, and walked off.

Witness resides in the seventh district of Henry county. His brother was present at the foregoing conversation.

JOHN C. KENNEDY.

DAVID BLACKSHEAR, *Chairman.*

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No. 10.

*Interrogatories to be exhibited to Thomas Spencer.*

1st. Have you, or have you not, been in the Creek country within the last six months? If yea, please state when it was.

2d. Did you, or did you not, see the Indian Agent, Col. John Crowell? If so, state on what day you saw him; the time of day when you parted from him, and the place.

3d. Please say, whether or not you saw any painted Indians in the Creek country? If so, when, how many, where, and what direction were they travelling?

4th. Did you understand while in the nation the cause or causes of the excitement among the Indians, and from whom ?

**JOSEPH HENRY LUMPKIN,**

*Examining Member of the Committee.*

Mr. Spencer answers to the 1st question : I have travelled through the Creek nation twice within about six months last past.

To the 2d. I saw him on Friday night the 29th of April, at Thomas Crowell's, on the other side of the Chattahoochee ; did not see him the next morning.

To the 3d. I met several Indians about 10 or 15 miles this side of the Chattahoochee, there were 20 or 30 of them, some of them were painted ; they were travelling towards Thomas Crowell's.

To the 4th I understood, as I went out in March, their dissatisfaction was on account of the late treaty.

Their faces were painted red ; their was a ball play in that quarter, as I understood, on that day ; never understood that Indians painted for ball plays ; attended once a small ball play, and the Indians were not painted ; a part of them were on horseback ; had no ball sticks or guns with them ; they were not all painted ; witness understood the ball play was at or near Spain's, which is about 30 miles this side of the Chattahoochee ; the Indians were going in the contrary direction from the ball play ; left Thomas Crowell a little after sunrise, made but a short stop until he met the Indians, which he thinks was before 12 o'clock, and that he does not know that Col. Crowell saw these Indians.

**THERON SPENCER.**

Answered, sworn to, and subscribed before me, this 6th June, 1825.

**DAVID BLACKSHEAR, Chairman.**

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No. 11.

*Answers of James Blair before the Committee.*

Witness has heard nothing from John Crowell ; during last session, he saw Henry Crowell at Mrs. Huson's. Witness asked him his opinion as to whether we should get any land ; and he answered, with an oath, that he did not think we should get one foot. He always understood John and Henry Crowell were brothers. Crowell gave no reasons for saying so, that the witness recollects. Witness was asked whether he ever told any person that Henry Crowell told him (the witness) that it was true he was here with proposals to furnish provisions for the treaty, for he might as well be making money as any body ; but as to the treaty, he would be damned if we would get as much land as would make a burying ground ? Witness answered no ; I never told any person so, as I now of.

**JAMES BLAIR.**

**DAVID BLACKSHEAR, Chairman.**

(Question to this witness not furnished to Special Agent.)

## No. 12.

*Interrogatories to be exhibited to Major William Williamson.*

1st. Were you, or were you not, in the Creek country during the pendency of the negotiation at Broken Arrow and the Indian Springs, and in the interval between these times?

2d. When you visited the Nation, in order to assemble them to meet the Commissioners, did you meet with the Agent, Colonel John Crowell? If so, please state what he represented the object to be of the Indian Council, then in session; and, whether he advised you to discontinue your visit to the same.

3d. From what you afterwards learned of the true situation of the Warrior, connected with other circumstances, do you, or do you not, believe, that Colonel Crowell stated the true object of the meeting of the Council?

4th. Had you any conversation with the interpreter, Hambly?

5th. What declarations did he make to you concerning the approaching treaty; and, particularly, what did he say as to the determination of certain Chiefs to be wholly influenced by his, Hambly's, opinion, in ceding territory; and who were those Chiefs?

6th. At the time of your interview with Hambly, had the Sub-agent, Walker, been dismissed; and did the Interpreter apprehend a similar fate for Colonel Crowell; and, particularly, did he, or did he not, avow, that the Agent's safety, and continuance in office, must be guaranteed; otherwise, there could be no treaty?

7th. Did Hambly admit the justice of the claim of Georgia, and the propriety of the policy pursued by the United States; and did he promise, at a particular time, to give you a definitive answer, as to the course he should pursue in the negotiation?

8th. After the convention of the Indians, did you observe any change in Hambly's conduct?

9th. When you pursued and overtook the Indians who suddenly departed from the treaty ground, what was their statement as to the causes of this sudden change of opinion, and of their flight?

10th. Have you ever heard any of the Head-Men and Chiefs express their opinion of General McIntosh; their confidence in his wisdom; and their wishes to be governed by his views, in relation to the treaty? If yea, please state who, when, and where, and what did they say?

11th. From your knowledge of the subserviency of Hambly to the wishes of the Agent, have you any doubt but that he acted by his advice, in counselling the departure of the Indians; and what are your opinions on this subject, and upon what facts and circumstances are they founded?

12. From all that came within your observation, have you any doubt that Colonel Crowell secretly, and by every means in his power, endeavored to defeat the treaty? And please state the grounds of your belief.

13th. What declarations have you heard from Henry Crowell, on the subject of the treaty, and when and where made?

14th. Was any message or communication received from Big Warrior, during the pendency of the treaty at Broken Arrow? If yea, what were the contents of said communication?

15th. What were Hambly's acknowledgments as to his defeating the attempt to hold the treaty at Broken Arrow?

The examinant, William W. Williamson, being called on by the Committee on the State of the Republic, to answer interrogatories exhibited to him, touching the conduct of the Agent, Colonel John Crowell, and others, pending the different negotiations with the Creek Indians at Broken Arrow and the Indian Springs, for answer saith: That examinant was at Broken Arrow and the Indian Springs, pending the different negotiations with the Indians, and was also some time in the Nation in the interval between the different negotiations.

On my way to the Nation to notify the Chiefs to attend the treaty at the Indian Springs, it was necessary, from my instructions, to apprise the Agent of my business, and to obtain all the necessary information as to the manner of giving out broken days to the different towns. The Agent stated to me that he had received instructions on the subject from Colonel Campbell, and had despatched messengers, and he presumed that the information would generally be known in time. I stated to him, the Agent, that I was particularly instructed by Colonel Campbell to notify the Tuckabatchee Chiefs, that he deemed their presence all important, or that they should at least be notified by a white man. The Agent, in reply, stated, that the Tuckabatchee, or Upper Town Chiefs, were in Council at that time, and that he had despatched his brother, Thomas Crowell, who, he had no doubt, would find them in Council, and his notification would obviate the necessity of my going any farther.

I inquired of the Agent, Colonel Crowell, the object of the meeting at Tuckabatchee; he replied, that the Governor of Alabama had made a demand of the Big Warrior, to deliver up the murderers, or supposed murderers, of a family within the limits of Alabama, and, in the event of a refusal on the part of the Big Warrior, that he, the Governor, would send his cavalry in the Nation, and take the Big Warrior, and have him hung; and that the Warrior was in great distress, and had convened the Chiefs on that subject.

I do not recollect that I made any farther inquiry on the subject of the Council, after leaving the Agency, until my arrival at Chatahoochee; there I understood, that the friends of General McIntosh were excluded from the Council, or were not invited; that they could learn nothing from any of the Indians that went on, or was going; and from the circumstance of so much secrecy, the belief was, that their object was to break General McIntosh. I afterwards made the same inquiry of Colonel Hambly; his reply was evasive. I then stated what I had heard relative to the demand of the Governor of Alabama. He simply replied, that the Big Warrior was too far gone to feel any thing like fear.



I thought I discovered considerable reluctance on his part, in giving me any satisfaction as to my inquiries on that subject, and I pressed the inquiry no farther.

I had frequent conversations with Colonel Hambly, the Interpreter.

In the course of our conversation, he frequently stated to me, that the Upper Town Chiefs in the square at Tuckabatchee, had placed the power entirely with him; that he had the yea or nay of that section of the Nation, and that if he, Hambly, said make a treaty, they would do so; and, if he was opposed to it, they would act according to his wishes.

I received the information from Hambly, of the Sub-Agent, Walker, being dismissed. We had considerable conversation on the subject of Walker's removal, and also the situation of Colonel Crowell. He, Hambly, was under an impression that he, the Agent, was strongly censured by the Commissioners, and that the object of Colonel Campbell's visit to the City of Washington, was to prefer charges against the Agent. I gave him the strongest assurances that his impressions as to the object of Colonel Campbell, was all a mistake; that he had no such views. I was induced to believe, from various circumstances, which I deem unnecessary to state, that he would not be in the way of the Commissioners, in the then pending negotiation. And, in all of our conversations, when speaking as to the stand that he would take, he generally concluded by the same remark, that he did not know what he would do if the Agent could be saved.

We also had lengthy conversations as to the policy of the General Government in removing the Indians West of the Mississippi, which was the best policy that could be adopted for the interest of the nation. The claims of Georgia he had no doubt would be satisfied; and if the Indians were to be removed, which he did not doubt, the sooner the better. On the second day of the treaty, he promised me he would give me a definite answer as to the ground he would occupy on the subject of the treaty.

After the convention of the Indians at the Mineral Springs, there was evidently a change in the conduct of Hambly. He was distant, and reluctant at entering into conversation on the subject of the treaty.

On the subject of the sudden departure of a part of the chiefs from the treaty ground, I have already reported; which report, I have understood, was subject to the control of the committee.

I have heard a great number of the Indians that could speak English, and others, as stated by those that understood the English language, speak in the highest possible terms of General McIntosh. The old chief Tuskanuggee and Tuckabatchee Hadjo, two of the Cusetas that left the treaty ground, stated to me, through James Islands, my Interpreter, that they were friends to McIntosh, and to tell him that their hand and heart was with him. I do not understand the language myself, and had to depend on my Interpreter—how far his statements may be true, I cannot tell. I do not know that I can give any substantial reason for believing that Hambly would subserve the views

of the Agent. I did, and yet believe, that Hamblly was the cause of the Indians' leaving the treaty ground at the Indian Spring, and under their excitement of feeling, and the statement of one chief, I was disposed to believe that Colonel Crowell was privy to the arrangement; and it is from that circumstance, connected with various other causes that would not bear detailing, that induced me to believe that the Agent was unfriendly to the treaty. I have had but little conversation with Henry Crowell, on the subject of the treaty. On my way out to Broken Arrow, I called at Henry Crowell's, I think the same evening that he arrived home from the treaty ground. On my inquiring the prospects of success, on the subject of the treaty, he stated to me that the Commissioners would not succeed in their negotiation. On my inquiring as to the reasons or causes of failure, he stated, as one, he was opposed to the treaty; that no land should be obtained under the administration of Governor Troup.

To the 14th interrogatory, he answers, That he understood in the nation, that the answer received from the Big Warrior disappointed his friends and adherents. His advice, he learned, was to soothe McIntosh: for that he had the power to sell the whole territory. This power, it was said, was delegated to him by power of attorney in 1813.

To the 15th, the witness answers, That Hamblly, the Interpreter, distinctly stated to him that he had defeated the treaty at Broken Arrow; that he once thought the Commissioners would succeed; but that he had used every effort to prevent the treaty, and had prevailed.

WM. W. WILLIAMSON.

Answered, subscribed, and sworn to, this 8th day of June, 1825.

DAVID BLACKSHEAR, *Chairman.*

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No. 13.

*Colonel Crowell to the Little Prince.*

CREEK AGENCY, July 25, 1825.

LITTLE PRINCE: George Stinson, who I had arrested for selling goods without license, in violation of the laws of Congress, has made his escape from Dolsell, and, I presume, has returned to the Creek Nation. The President of the United States has directed me, in all cases where it becomes necessary to arrest a white man in the Creek Nation, to call on the Chiefs for as many Indians as may be wanted for that purpose. I now call on you, as the Headman of the nation, to order out a party of confidential Indians, and have him taken and brought to me, at this place, in course of next week. I have directed Daniel Perryman to be one of the party.

If white men wish to live in the Creek Nation, they must not violate the laws of the United States in the way that Stinson has done.

About one Indian, besides Daniel Perryman, will be sufficient to bring him to this place.

I am your friend,

JOHN CROWELL, *Agent I. S.*

No 14.

*Colonel Crowell to Colonel Hambly.*

CREEK AGENCY,

*August 22, 1823.*

SIR: I received your letter by Kitch, giving an account of the conquest of McIntosh in relation to Stinson. I should be glad if my business would admit of my going to Chattahoochee at present, but I am engaged in making out my accounts for the year ending 31st of this month, and cannot leave home until after that time.

I wish you to state in plain and positive terms to the Prince, that I call upon him as the head man of this nation to have Stinson taken and brought to me at all hazards; if six men is not enough, send six hundred, and take him by force if he has to destroy McIntosh and his whole establishment to effect it. Tell him it will reflect disgrace on him, as the head man of the nation, to suffer one chief to prevent his orders from being put in execution, and this conduct of McIntosh is quite sufficient to break him as a chief. If, however, he does suffer McIntosh to protect this man in violating the laws of the United States, his nation must suffer for it: for he may rest assured that the Government will not put up with it; and is it possible that he will allow the conduct of one man to do so serious an injury to his innocent people? If, however, he will not have this man taken, I shall adopt such steps as will ensure his arrest, and pay the expenses of it out of the annuity, even should it take the whole of it. I can get men from Georgia that will take him, by paying enough for it, and, rather than not have him, I will pay every dollar of the annuity for him.

I shall inform the Government of McIntosh's conduct, and the President will, no doubt, hold the nation accountable for it. I wish you to impress upon the mind of the Prince, the difficulty which this transaction will place the nation in, should this man be protected by an Indian. This nation, since the War, has acquired a good character for their good behaviour with the President, and I should dislike for them to loose or tarnish it by protecting a white man in violating the laws of the United States.

The receipt which I took for the annuity and the one from Colonel Lovett for Beef, has been miscarried. I enclose another, which you will get signed, and return to me; after getting the names of those about Fort Mitchell, send it by mail to Capt. Walker, to be signed by the Warrior, &c.

JOHN CROWELL.

COL. WILLIAM HAMBLY, *Chattahoochee.*

No. 15.

*William Hambly to David Perryman.*

SIR: I have just received orders from the Agent, that Stinson must be taken and carried to him, if to be found in the Creek Nation.

I wish you to take as many Indians as you think necessary, and have him taken, if possible.

Yours, &c.

WM. HAMBLBY.

DAVID PERRYMAN.

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No. 17.

*Deposition of William Barnard.*

*Georgia, Chatham County, City of Savannah.*

Personally appeared before me, William C. Daniell, Mayor of the above named city, William Barnard, of the State and county aforesaid, who, being duly sworn, deposeth and saith, that he was at the house of Colonel John Crowell, Creek Agent, at the Agency, in company with Michee Barnard and Timpoochee Barnard, half-breed Creek Indians, about three weeks after the negotiations at Broken Arrow. This failure became the subject of conversation between Colonel Crowell and the half-breeds present; and the former remarked that it had been publicly attributed to him; that, for his part, if he were continued the Agent, he would be willing to remove with them West of the Mississippi, where game would be more abundant, and which he thought a better country than that at present occupied by the Creeks. He further informed Michee and Timpoochee Barnard, that another treaty would be held at the Indian Springs, and that he believed McIntosh would sell the lands. Upon Michee Barnard showing much irritation, said that, if the lands were sold, McIntosh would be killed. Colonel Crowell then observed, that if McIntosh was to be killed, it should be done before the lands were sold. Upon the same or the following day, Michee Barnard said to this deponent that, when he returned home, he would despatch runners to the Chiefs of the Creek Nation, proposing the breaking of McIntosh before the contemplated treaty at the Indian Springs, for the purpose of defeating it.

WILLIAM BARNARD.

Sworn to, before me, in the city of Savannah, this tenth day of June, one thousand eight hundred and twenty-five.

W. C. DANIELL, Mayor.

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[The following documents, from 18 to 32 inclusive, were not communicated with the remainder, the printed pamphlet which contained them having been mislaid in the Department of War. Being referred to in Major Andrews' report, they are here copied from the documents accompanying the "report and resolutions of the Legislature of Georgia."]

## No. 18.

*Indian Chiefs to the Governor of Georgia.*

February 20, 1825.

**OUR FATHER:** It gives us great satisfaction that you take us by the hand as your red children, and determine to protect us if any part of our hair should be injured by the hostile Indians. Yesterday evening we were informed by Chilly McIntosh that you wished to see General McIntosh before his return, to state to him a further subject upon the which we now stand at this present time, for fear they might do injury to us in secret, by bad advisors, and, if we think it necessary, that you would send runners on to let the party know that you are ready to protect us if they should attempt to carry their threats into execution. We have considered the subject, and determine it to be the best plan to afford safety to our head man and us. If you send the runners on to the party, we want a few lines from you to let our friendly people know, that you, as Commander-in-Chief of the State of Georgia, will protect us in case the hostiles should do injury to us, or any of the friendly party.

**Our Father:** At the treaty of Broken Arrow, the chiefs got jealous of McIntosh and threatened to kill him: the charge against him was, that he wanted to sell land to the Commissioners of the United States. In 1824, a few chiefs met at a place called the Pole Cat Springs, and passed a law that if any person should sell or offer land for sale, guns and rope should be their end: this law was intended to prevent General McIntosh from selling land: but it was not agreeable to the laws of the Nation; if it was intended to be the national law, it ought to have been read before the national chiefs, and let them determine it—not collect a few chiefs to make a law. Could an individual State pass a law to extend all over the United States, or one county make and enforce a law for the Government of the whole State? The guns and rope are taken from the pattern of the Cherokees. Therefore we do not consider it a law of the nation to be enforced; it is merely law among themselves; but those who signed their names to the pattern of the Cherokees, determine to execute the law. This is the report from some of our friends. If they determine, we are ready to defend ourselves, and, with your assistance, they will find a great difference in numbers. Our characteristic disposition is to treat all mankind as friends, brothers, and relations. We determine never to impose on any man, but treat all as friends.

Nothing more at present, but remain your affectionate children,

Etome Tustunnugge, his x mark,  
 Hoethe Marta Tustunnugge, his x mark,  
 Tustunuge Oche, his x mark,  
 Siah Gray, his x mark.

**CHILLY MCINTOSH,**

*Clerk of the National Council.*

*Extract from the Executive Journal.*

SATURDAY, 19th February, 1825.

Several Indian Chiefs of the Creek Nation, among whom were General McIntosh, and Etome Tustunnuggee, Chief of Cowetan, came to the Executive Chamber to hold a talk with the Governor; they had much to say, and the meeting lasted some time; the substance of what the Indians said was, that they had, in compliance with the wishes of their Father, the President, and their brethren and friends, the Georgians, consented to give up their lands, and move across the Mississippi. That, before their departure, they should have a great many difficulties and troubles to encounter; that their women and children must suffer many privations in passing from their homes, where they had some comforts, to a new and distant country; that they must suffer great loss in their stocks, and other property, &c. &c.; but, notwithstanding all this, they were willing to listen to the advice of their Great Father, and give up the lands; but, in doing which, offence had been given to some of their people; and as there were bad white men among them, who were endeavoring to stir up their own people to do them harm, and more especially, as the Agent was among their worst enemies, and they could expect no protection or support from him, they wanted to know whether they could be certain of protection from the Government of the United States, and from that of Georgia, &c. &c.

The Governor answered, that he was happy to hear that, in compliance with the wishes of their Great Father, they had finally resolved to give up their lands; that, their Father intended nothing but for their good; that he talked the language of truth and sincerity, and that when he advised them to move across the Mississippi, all the good and wise men of the United States, knew that it was the best advice he could give them; they were exchanging lands which belonged to Georgians, for lands which were better, and would belong to themselves and their children forever; that the President was wise enough to know all the difficulties they would have to encounter, but he still thought it would be for their good; that, with regard to their women and children, and their property, the Governor thought ample provision had been made by the treaty, not only to enable them to remove their women and children in comfort, but to cover any losses they might sustain by the removal, &c. &c. and that with regard to protection either against their own people, who were hostile, or against the whites, he had no doubt their Father, the President, would afford them all the protection their situation might require. That as to the State of Georgia, they should, so far as depended on him, find protection at all times; and that so long as they conduct themselves well, the people of Georgia would be ready to support him in it, with all their hearts: for they had for a long time been the

friends of Georgia in peace and war, and that they themselves had fought and bled for Georgia in the last war, and that the Georgians could not forget them, &c. &c.

Here General McIntosh adverted to certain events of the last war; spoke of the Big Warrior as having been inimical in heart to the United States, but joined the friendly party through fear; his late opposition to the treaty, &c. &c.; of a certain chief, (Gun Boy,) the principal leader of the hostile party since the death of the Big Warrior having threatened his life, and his endeavors to prejudice the Indians against him and his followers; his having defeated the same chief and took him prisoner, near Fort Gaines, during the late war; of the rights of the friendly party to dispose of the land, when in their opinion, and that of their Father, the President, it was the interest of the nation and that of the United States for them to do so, with or without the consent of the hostile party.

To the latter part of which the Governor replied: That it was impossible for the United States' Government, in all their transactions with the Creeks, not to feel a difference, if they did not make any, between the friendly and hostile part of the nation: That in the business of the treaty, the President could not but consider it as the act of the nation, provided the whole country was ceded. But what ought to be considered the act of the nation, would be still a question. The Government might be quite well disposed to consider the act of McIntosh and his friends as such a one. It would not be expected that all would unite in the sale of the lands; it would have to be left finally to the President and Senate to decide who had the right; and, in making this decision, there was little doubt that, all other things being equal, they would give a preference to the friendly Indians. This was natural: for although a treaty of peace forgives what has passed, the parties to it cannot forget, and the people of the United States (but more particularly the people of Georgia) cannot forget the distinction they were obliged to make when, in the late war, they found McIntosh and his friends fighting on their side, and the hostiles fighting on the side of their enemies, &c.

Etome Tustennuggee at the close, begged leave to hand the Governor a paper which he said he wished him to keep, for that he had been deceived by white men, and was opposed at first to a sale of the lands, but since then his eyes had been opened, and he had listened to the voice of his Great Father, and that now he approved, in all things, of the talk which had been just delivered, &c.

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No. 20.

*Colonel Lamar to Governor Troup.*

MILLEDGEVILLE, March 10th, 1825.

HIS EXCELLENCY GEO. M. TROUP.

SIR: In obedience to your instructions of the 26th of February last, I proceeded to the towns of Cussetan and Tuckaubatchee, for

the fulfilment of the duties required. On my arrival at the former place, on the 2d inst. I judged it impracticable to wait the length of time which would unavoidably be consumed in calling the chiefs. I therefore appointed a time for their assemblage by my return; and continued, without delay, to Tuckaubatchee, where I arrived on the fourth. Fortunately, the chiefs and headmen had met in council for the purpose of regulating the internal government of the town. They were immediately informed of my arrival, and my object; and that I desired to see them in council, so soon as they were prepared for my reception. Their reply was, that they were ready, at any time, to hear what I had to communicate. Our salutation was friendly, and they gave every testimony of the indulgence of the most amicable feelings. Ho-po-eithlea Yoholough, seems to have succeeded the Big Warrior in authority, for the present, and will so continue until another individual is designated by appointment. I will not pretend, in this report, to give, in full, the talk I there delivered in council, as I had not reduced the same to writing. I hope it will fully subserve all your purposes to know the most prominent points on which my remarks at that place were predicated. I informed them the reason why you had sent the communication. I stated that information had been received from a source in which you placed reliance, that, in consequence of their being adverse to the treaty, they had become angry with McIntosh as well as all others who had been dutiful in obeying the wishes of the President, and designed pursuing them with vengeance. That, if this report were untrue, it would be to the mutual interest of all parties to so understand it; that if it be true, and the attempt should be made to gratify so depraved a feeling, they had exposed to their view, the penalties which would be incurred by so rash a determination. That it behooved them to look to the lessons of experience which the divisions and hostilities of the late war in their nation would furnish; that they should turn a deaf ear to the evil counsel of bad men, and listen to the advice of their Father, the President; that he united wisdom with goodness, and would point out the only way of promoting their ultimate happiness. This he had done to his Council, the Congress, as well as in his instructions to his Commissioners, as I would shew from documents. That not only the President had suggested the plan, but that a deputation from the tribes beyond the Mississippi was now on the way to Washington City, desiring the consummation of the same object; and that all the tribes between the Mississippi and the Lakes, were invited by their red brothers to come and settle on their land. That they would be received by the right hand of friendship, and could there indulge a perfect security from the annoyance of the white man. That then there would be no conflicting interests, and all strife would cease to exist. I then read the document expressive of the President's desire of a successful termination of the treaty; the extract from the National Journal, containing an account of the proceedings of Indians West of the Mississippi; and concluded with your communication. They heard me with attention and respect; and when informed that I had closed, Ho-po-eithlea



Yobolough made the following reply, in substance. However, as near as memory will serve me, I will give you his words as communicated to me by the Interpreter. He said he was glad to see me, and gratified that you had placed it in his power to contradict the reports which had reached Georgia. That he loved his white brothers, and loved their peace; he also loved M'Intosh. That, on hearing the false tales, about his wishing to spill blood, he was sick at heart, and his blood was chilled. That in the war he fought with M'Intosh and his white brothers to subdue the hostiles, and succeeded. That his enemies in war were now under his authority, and to employ them against his best friends, was what had never entered his mind. He loved his Father, and would never offend him. That not one murmur had by him been placed on the winds to be carried to Georgia, against his white or red brothers. That McIntosh having made the treaty, would not make him his enemy; he still loved him; he spoke with one tongue, he never deceived; he should be sorry that his Father should hear such bad things. He wished his ear to be stopped, and pay no attention to them. That his Father had told him, while Hawkins was Agent, to throw away his gun, quit the chase, and cultivate the land. He followed his advice and knew it to be good. His gun was now rusty, he could not see to shoot; instead of his gun he used the plough and the hoe. That if his people desired war, they had not the means of carrying it on; more than half were without guns; but that they never thought of spilling blood. He wished me, on my return home, to inform the Governor these things, so that his white brothers might not be disturbed. To which he subjoined, that he had met me as a brother; he hoped I was satisfied, and we would part as we had met. He then, on request, appointed Charles Cornals to accompany me to Cussetau, saying, if I had not requested it, it would have been done, as he had previously determined to adopt that course.

I have been thus particular, in order to place it in your power to form an opinion independent of my own. Previously to my arrival at Tuckaubatchee, from gross misrepresentations, I had reason to suppose they indulged the most malevolent feelings towards those favorable to the treaty. Indeed, had I given credence to reports, my conclusion would have been, that they were on the point of commencing immediate hostilities; such was the prevailing feeling, from exaggerated accounts, that, on application to two half breeds, near Fort Mitchell, to accompany me to Tuckabatchee, as Interpreters, they declined, through fear, stating that they had understood the Tuckaubatchees were determined to enforce the law passed at the Pole Cat Springs; and it being known that they were friendly to the treaty, and relations of Col. Miller, although fear might restrain them from open violence to their persons, they would secretly murder them. From all the discoveries I was capable of making, I can arrive at no other conclusion, than that the feelings of this town have been totally misconceived. However, what has been done, will have the good effect of restoring the minds of those disturbed, to their accustomed ease.

On the 7th inst. in conformity to previous arrangements, the Cassetaus assembled in council. Finding it difficult to progress in business by verbal communications, I determined to obviate the difficulty, by writing and reading to them the following address, only changing the language occasionally, that it might be the better adapted to their understanding :

*My Friends and Brothers :*

I am sent here by the Governor of Georgia to reconcile difficulties which he has understood exist among you, and in doing this, I shall talk plain, and tell you the truth ; after this is done, if you are deceived, it will be your own fault, and you cannot say that the Governor of Georgia, through me, did not warn you of the only way to avoid error and do right. We love you, and wish to live in peace. We wish you to love one another, and live in peace also. We have understood that, in consequence of M'Intosh and others having signed the late treaty, you are angry, and wish to stain your hands in their blood ; we hope, for the honor of your nation, for your own peace, happiness, and safety, that these reports are untrue. If they be true, check the mad career of your feelings. If you do not, it will involve you in calamities ten-fold greater than those from which you have narrowly escaped in the late war. M'Intosh and his party have acted as dutiful children in obeying the advice of our wise and good Father, the President. This I shall shew you by documents from his own hand. Then, having acted in obedience to the will of our Father, if you should murder him, or any of his men, or suffer the same to be done, your white brothers will revenge their death, if in the burning of your houses, or at the expense of the life of every red man in your town. But in all this, the innocent would not be punished with the guilty. Let me ask you a question : You have a rifle that has long procured you food, and subdued your enemies ; it never fails to kill when properly directed. Suppose you level it at a deer, it snaps or fires and fails to kill ; do you, on that account, break or throw away a weapon so necessary to your existence and security ? And why should you wish to treat M'Intosh less kindly than your gun ? Has he not been your friend in peace and in war ? Has he not always been faithful to your interests, and dutiful to your Father, the President ? The treaty was made in accordance with the advice and wishes of your Father, as I have before stated, and will ultimately work the independence, and in the end the happiness of the Red People. And shall this be requited with the *gun and the rope* ? We have heard so : we have heard that you have listened to the counsel of bad men ; that they have wrought among you an angry excitement ; and that M'Intosh and his chiefs are to be the victims to appease your exasperated feelings. You are warned to turn from such wicked counsel, and be assured no friend, true to the interest of the red man, would recommend the gratification of such feelings. If you should attempt it, your nation would be divided. Take a number of reeds, bind them close, you cannot break them ; separate them, or divide the bunch, and the weakest of you can break

them in pieces. This would be the condition with your people; divided, you would fall without the power to make one manly struggle. You would be surrounded by white men, who, by reason of your bad conduct, you would make your common enemies. They outnumber the trees in your forest. I have said that McIntosh and those who signed the treaty, acted in strict obedience to the request of your Father. Listen and learn his will, and in future let it guide your determinations. [I here read the documents shewing the views of the President, as to their removal, and his wish for the successful termination of the treaty, and the paper shewing the wishes of the Indians beyond the Mississippi, and made a few remarks on those subjects, and proceeded.]

Now you see what bad men have told you is untrue. It was the wish of your Father, the treaty should be held; the land ceded, and that all of you should move beyond the Mississippi, where you in future could not be disturbed in the titles of your land; where the buffalo, the bear, and the deer, could be chased by your young men, or, what would be more desirable, they could settle down permanently, and before long enjoy all the comforts of civilized life. These are the wishes of your father. He is wise and good. He studies to promote your happiness. Then why do you not say, Father "thy will be done." By so doing, you can select your country, and make a choice before the Cherokees, or any other nation; the President will give you the title of the land you acquire in the exchange. No nation, not even your Father, could then take it from you. No disputes would then exist about land. I say, then, listen to what your Father tells you is right, and you will do well. I wish you now to inform me what I must say to the Governor of Georgia, and what must he say to the President. Must I tell him the news he has heard of your wishing to kill McIntosh, and his men, is false? Must I say you love them, and love their peace, and that you are reconciled to what they have done? Must I say you will punish your bad men who attempt to do harm to those who signed the treaty? I hope you will place it in my power to tell him good news, so that in future, there will be no disturbance between our red brothers, or between the white and the red man.

[I then read your communication, and Little Prince replied in a few words, by unequivocally denying any contemplated hostilities to those who signed the treaty. He further stated, that the circumstances attending the flight of Col. Miller and Arbicker, originated from causes so trifling in their nature, that the headmen did not judge them worthy of notice, and that they ought not to be considered as indicating the indulgence of unfriendly feelings. That no such were indulged. He appealed to his chiefs to confirm these statements.]

I have, as concisely as was consistent with a minute detail of facts, communicated all that passed in council.

My own opinion, which is partly conjectural, and in part formed from observation and conversations had with some of the Indians, is this: leave them to themselves; if they clearly understand that are

the wishes of the President, they will conform to them. I speak of them, collectively, as a people. They have no correct notions of our Government and their relative connection with it. Their conclusion is, that the powers of the President are absolute, and that he has an unquestionable right to coerce obedience. But, independent of this notion of fear, the unlimited confidence reposed in the wisdom and virtue of the President, is a sure guaranty of the successful accomplishment of his wishes. In order to destroy the effects of this influence, I discover that the belief has been imposed upon them, (at least to some extent,) that the Commissioners, being Georgians, were only subserving the interest and wishes of Georgia. There are a number of white men settled among them, who heretofore looked with pleasure on their prospects of enjoying the benefits of a permanent location, who have acquired their confidence by the connections they have formed, and I have no doubt that their influence is secretly exerted to excite discontent, and inculcate opinions adverse to the interest of Georgia, and the policy of the General Government. There is another prevailing feeling among them. They indulge the belief, should they move beyond the Mississippi, that a perpetual warfare with the tribes inhabiting that country would be the inevitable consequence. You will discover in my talk to them, with the view to produce a complete reconciliation, I endeavored to refute that opinion. If the treaty is ratified, I have no doubt that all clamor will cease: for in proportion as they understand the wishes of the President, and the course of conduct our Government adopts towards them, in the same degree will all other influence be diminished. Added to this, what has been done, was done, no doubt, with the view to prevent its ratification. The cause, therefore, which produced the excitement, will cease to exist, after that desirable object is accomplished. If any additional information should be desired on points not embraced in this report, on intimation they will receive a prompt consideration.

I am, Sir,

Your obedient servant,

HENRY G. LAMAR.

No. 21.

*Benjamin Hawkins to Governor Troup.*

CREEK NATION, 10th April, 1825.

*To Governor Troup:*

SIR: I feel it my duty to state to you, that, being at the Creek Agency since the late treaty at the Indian Springs, I was in conversation with the Agent, John Crowell, when he told me, when I went home, to tell the chiefs of the Upper Towns, that, if they listened to the talks of McIntosh, that he would sell them and their lands in less than a year, and told me that I must say every thing I could against Gen. McIntosh. Mr. Henry Crowell, in the presence and hearing of

the Agent, told me that the United States' Commissioners offered him, just before the late treaty, ten thousand dollars and five miles square of land, if he would use his exertions to cause the nation to sell their land ; but he said that he answered the Commissioners by saying that he would have nothing to do with it. He told me that if he had done as the Commissioners would not be doing justice to the Indians ; but, if he had done so, it would have been to his interest, as he would have got a great deal of money. The Agent said that me and my brother, Samuel Hawkins, ought to collect the Indians, when Gen. McIntosh was gone to Washington, and burn down his houses and destroy his property, because of his disposition to sell the land.

I am your obedient servant,  
**BENJAMIN HAWKINS.**

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No. 22.

*Samuel Hawkins to Governor Troup.*

CREEK NATION, 12th April, 1825.

*To Governor Troup :*

SIR: I have taken the liberty of addressing you on this occasion, believing you to be the friend of our nation, and of stating to you some facts which relate to the conduct of our Agent, Mr. John Crowell, which I will, at any time, if called upon, swear to. When the Agent, John Crowell, first paid money to the nation as their annuity, in 1821, he paid it in hundred and fifty dollar bills to the principal chiefs, to be divided by them to their respective towns ; the Big Warrior told the Agent at the time, that the money could not be fairly divided for the want of smaller bills, and requested the Agent the next time he paid them off to bring small bills. Before the Agent had ever met the chiefs in council, his brother, Mr. Thomas Crowell, brought to Fort Mitchell a large stock of goods, and when the Agent came to the council house, he told the chiefs that his brother had goods, and that he had given him a license, and that they might buy what goods they wanted. The chiefs having what money was to go to their respective towns in large bills of fifty and hundred dollars, were compelled to go to Thomas Crowell and buy domestic homespun, at fifty cents per yard, of the same description of goods that General McIntosh had furnished the nation at twenty-five cents per yard, only a few months ago, or to make an unequal division of their money, or go to the settlements for change. At the time the annuity was paid to the nation in 1822, the Agent, John Crowell, again paid off the nation in fifty and hundred dollar bills, and when the chiefs asked him for change, he said his brother was provided with change or small bills, and at the same time cautioned the chiefs against counterfeiters, and said there were a great many counterfeit bills and many suspicious persons about, but that the change his brother had was genuine. The chiefs, after receiving their respect-

ive amounts allowed their town, went to Mr. Thomas Crowell, the Agent's brother, and asked him to change their money; he told them, the chiefs, (myself acting as interpreter,) that he would give the chiefs of the town, each five dollars in cash, but that the balance of the money must be laid out in goods; some of the chiefs agreed to do so, but others refused, and went off; to those who bought his goods, in order to make a division to his town, he charged thirty seven and a half cents per yard; General McIntosh had goods there, and sold homespun at thirty-one and a quarter cents per yard.

I can further state that I was the interpreter when J. Crowell told the chiefs that his brother, Henry Crowell, who lives at the Agency, wanted to make fields on the West side of Flint river, and said the land on the reserve was worn out, and he could not make a support on it; but his brother said to him, that he did not want to clear a field for the Georgians, and he, the Agent, asked the chiefs if they intended shortly to part with their lands. The Big Warrior replied, at the same time laughing, that he, the Agent, need not be afraid that the nation would shortly sell their lands to Georgia. I have since understood, from the head chiefs, that no direct permission was granted to the Agent or his brother to clear a field on the West side of the river; but the Agent's brother has a large field on the West side of the river, and has rented out all the fields on the reserve.

I remain your humble servant,

**SAMUEL HAWKINS,**

*Of the Creek Nation.*

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No. 23.

*From same to same.*

Since the last treaty, I have been told by a number of the chiefs of this nation, that Hambly, the Agent's interpreter, (during the time the United States' Commissioners were endeavoring to effect a treaty at Fort Mitchell,) came to the square and told the Chiefs early in the morning, that the Agent had sent him to tell them what the Commissioners would have to say to them, and it was the Agent's wish that they all should be of one mind, and answer the Commissioners as they had promised him, (the Agent,) by saying, that "We have no more land for sale."

I had omitted to state to you a fact, which, heretofore, has been unusual in our transactions with the United States. In the year 1822, when the Agent was about paying the nation their annuity, he charged between sixty and one hundred dollars, the precise sum not recollected,) and deducted it from the annuity of that year, and stated that his reason for doing so, was, that he had to pay that much to a person to go to Darien or Savannah, to bring up the sum of the annuity. It was submitted to by the nation, but considered as an imposition and unjust.

**SAMUEL HAWKINS.**

## No. 24.

*Colonel Crowell to Colonel Hambly.*

CREEK AGENCY, August 22d, 1823.

SIR: I received your letter by Kitch, giving an account of the conduct of McIntosh in relation to Stinson.

I should be glad if my business would admit of my going to Chatahoochee at present, but I am engaged making out my accounts for the present year ending the thirty-first of this month, and cannot leave home until after that time.

I wish you to state, in plain and positive terms, to the Prince, that I call upon him, as the head man of this Nation, to have Stinson taken and brought to me at all hazards; if six men is not enough, send six hundred, and take him by force, if he has to destroy McIntosh and his whole establishment to effect it. Tell him it will reflect disgrace on him as the head man of the Nation, to suffer one Chief to prevent his orders from being put in execution; and this conduct of McIntosh is quite sufficient to break him as a Chief. If, however, he does suffer McIntosh to protect this man in violating the laws of the United States, his nation must suffer for it: for he may rest assured, that the Government will not put up with it: and is it possible that he will allow the conduct of one man to do so serious an injury to his innocent People? If, however, he will not have this man taken, I shall adopt such steps as will ensure his arrest, and pay the expenses of it out of the annuity, even should it take the whole of it. I can get men from Georgia that will take him by paying enough for it: and, rather than not have him, I will pay every dollar of the annuity for him. I shall inform the Government of McIntosh's conduct; and the President will, no doubt, hold the Nation accountable for it. I wish you to impress upon the mind of the Prince, the difficulty which this transaction will place the nation in, should this man be protected by an Indian. This Nation, since the War, has acquired a good character for their good behaviour, with the President, and I should dislike for them to lose or tarnish it by protecting a white man in violating the laws of the United States.

The receipt which I took for the annuity, and the one from Colonel Lovett, for beef, has been miscarried. I enclose another, which you will get signed, and return to me, after getting the names of those about Fort Mitchell; send it by mail to Capt. Walker, to be signed by the Warrior, &c.

JOHN CROWELL.

Col. WM. HAMBLY, *Chatahoochee.*

## No. 25.

*General Ware to Governor Troup.*

LINE CREEK, FAYETTE COUNTY, GA.

May 1st, 1825.

Governor Troup: The information you have no doubt received by Chilly McIntosh and other Indians, will be confirmed by the follow-

ing relation of the circumstances attending the horrrid transaction on the Chatahoochee and Tallapoosa, in the Creek nation. On the morning of the 30th April, several neighbors of mine, who lodged on the bank of the Chatahooche this side of McIntosh's, about day break, heard the war whoop, and they suppose from two to four hundred guns were fired—the houses were on fire when they set off. An intelligent Indian, Col. Miller, who has fled to my house, together with about 150 others, states, that he supposes there is upwards of 400 warriors of the hostile party embodied on the Chatahooche, at McIntosh's, feasting on all the cattle they can find, hogs, &c. belonging to the friendly party; states, also, that they have taken McIntosh's negroes, and all other property they can find; they, he states, intend marching toward the settlement of the whites in three days. In this I am a little incredulous, though, as far as the resources of our country will afford, I will be prepared. Major Finley Stewart is collecting some volunteers to go out and reconnoitre the country; he will set off as soon as practicable: he, Col. Miller, supposes, including numbers long cloaked under the garb of friendship, who, since the death of McIntosh, have joined the hostile party, that the hostile party in the nation largely exceeds 4,000 warriors: and that the friendly party amounts now to only 500. They implore protection—they need it—they are constantly coming in—say the road is covered with others.

Yours, respectfully,

ALEXANDER WARE.

Some provision ought to be made to supply those refugees with food.

A. W.

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No. 26.

*P. and S. McIntosh to the United States' Commissioners.*

LINE CREEK, FAYETTE Co. May 3, 1825.

To Col. DUNCAN G. CAMPBELL and } *U. S. Commissioners.*  
Major JAMES MERIWETHER.

GENTLEMEN: When you see this letter, stained with the blood of my husband. the last drop of which is now spilt for the friendship he has shown for your People, I know you will remember your pledge to us in behalf of your nation, that in the worst of events you would assist and protect us. And when I tell you that at day-light, on Saturday morning last, hundreds of the hostiles surrounded our house, and instantly murdered General McIntosh and Tomme Tustunnuggee, by shooting near one hundred balls into them, (Chilly and Moody Kennard making their escape through a window.) They then commenced burning and plundering in the most unprincipled way: so that here I am driven from the ashes of my smoking dwelling, left with nothing but my poor little naked hungry childen, who need some im-



mediate aid from our white friends, and we lean upon you, while you lean upon your Government. About the same time of the morning that they committed the horrid act on the General, another party caught Col. Samuel Hawkins, and kept him tied till about 3 o'clock, when the Chiefs returned from our house, and gave orders for his execution in the same way, and refused to leave his implements to cover his body up with; so that it was left exposed to the fowls of the air and the beasts of the forests; and Jenny and her child are here, in the same condition as we are. This party consisted principally of Oakfuskies, Talledogas, and Muckfaws, though there were others with them. The Chiefs that appeared to head the party were. In-lockunge, of Muckfaw; Thloc-co-cos-co-mico, of Arpachoochee; Munnauho—but I know not where he was from; who said they were ordered to do it by the Little Prince and Hopoeith-yoholo, and that they were supported and encouraged in it by the Agent, and the chiefs that were left after the Big Warrior's death, in a council at Broken Arrow, where they decreed that they would murder all the chiefs who had any hand in selling the land; and burn and destroy, and take away all they had, and then send on to the President that he should not have the land. I have not heard of the murder of any others, but expect all are dead that could be caught. But, by reason of a great freshet in the Chatahoochee, they could not get Col. Miller nor Hogeey McIntosh, nor the Darisaws, and they and Chilly are gone to the Governor. Our country is in a most ruined state, so far as I have heard, (though by reason of the high waters, word has not circulated fast,) all have fled from their homes in our parts, and taken refuge among our white friends; and I learn there are now at General Ware's (near this place,) from 150 to 200 of them, who are afraid to go to their homes to get a grain of what little corn they have to eat, much more to try to make any more; and if you and your People do not assist us, God help us! we must die either by the sword or the famine.

This moment Gen. Ware has come in, and will, in a few minutes, start with a few men, and a few friendly Indians, to try to get a little something for us to eat. I hope, so soon as you read this, you will lay it before the Governor, and the President, that they may know our miserable condition, and afford us relief as soon as possible. I followed them to their camp, about one and a half miles, to try to beg of them something to cover the dead with, but it was denied me. I tried also to get a horse to take my little children and some provisions to last us to the white settlements, which was given up to me, and then taken back; and had it not been for some white men who assisted in burying the dead, and getting us to the white settlements, we should have been worse off than we were, if possible. Before I close, I must remark, that the whole of the party, so far as I knew them were hostiles during the late war.

PEGGY & SUSANNAH MCINTOSH.

*Jane Hawkins to the United States' Commissioners.*

FAYETTE COUNTY, 3d May, 1825.

*My dear friends:* I send you this paper, which will not tell you a lie, but if it had ten tongues it could not tell all the truth. On the morning of the 30th April, at break of day, my father's house was surrounded by a party of hostile Indians, to the number of several hundred, who instantly fired his dwelling, and murdered him and Thomas Tustunnuggee, by shooting more than one hundred balls into them, and took away the whole of father's money and property which they could carry off, and destroyed the rest, leaving the family no clothes (some not one rag) nor provision. Brother Chilly was at father's, and made his escape through a window, under cover of a travelling white man, who obtained leave for them to come out that way. It being not yet light he was not discovered. While those hostiles were murdering my beloved father, they were tying my husband, Col. Samuel Hawkins, with cords, to wait the arrival of Klockchunga, Thlococoscomico, and Munnawana, who were the commanders at father's, to give orders for the Colonel's execution also; which took place about 3 o'clock the same day. And these barbarous men, not content with spilling the blood of both my husband and father, to atone for their constant friendship to both your nation and our own, refused my hands the painful privilege of covering his body up in the very ground which he lately defended against these hostile murderers, and drove me from my home stript of my two best friends in one day—stript of all my property, my provision, and my clothing. With a more painful reflection than all these, that the body of my poor murdered husband should remain unburied, to be devoured by the birds and the beasts. Was ever poor woman worse off than I! I have this moment arrived among our white friends, who, although they are very kind, have but little to bestow on me and my poor helpless infant, who must suffer before any aid can reach us from you: but I can live a great while on very little, besides the confidence I have on you and your Government. For I know by your promise you will aid and defend us as soon as you hear from our situation. These murderers are the very same hostiles who treated the whites ten years ago as they have now treated my husband and father; who say they are determined to kill all who had any hand in selling the land, and when they have completed the work of murdering, burning, plundering, and destruction, they will send the President word that they have saved their land, and taken it back, and that he and the white people never shall have it again; which is the order of the heads of the nation, by the advice of the Agent. We expect that many of our best friends are already killed, but have not heard by reason of the waters being too high for word to go quick, which is the only reason Colonel Miller and others on his side of the river were not killed. We are in a dreadful condition; and I do not think there will be one ear of corn made in this part of the nation: for the whole of the friendly party have fled to the De Kalb and Fay-

ette counties, too much alarmed to return to their houses to get a little grain of what corn they left for themselves and their families to subsist on, much more to stay at home to make more; and we fear every day that what little provision we left will be destroyed. I am afraid you will think I make it worse, but how can that be? for it is worse of itself than any pen can write. My condition admits of no equal, and mocks me when I try to speak of it; after I was stript of my last frock but one, humanity and duty called on me to pull it off and spread it over the body of my dead husband, (which was allowed no other covering,) which I did as a farewell witness of my affection. I was 25 miles from any friend, (but sister Catharine, who was with me,) and had to stay all night in the woods surrounded by a thousand hostile Indians, who were constantly insulting and affrighting us. And now I am here, with only one old coat to my back, and not a morsel of bread to save us from perishing, or a rag of a blanket to cover my poor little boy from the sun at noon, or the dew at night. I am a poor distracted orphan and widow.

JANE HAWKINS.

DUNCAN G. CAMPBELL, & } U. S. Commissioners.  
JAMES MERIWETHER, }

P. S. If you think proper I wish this to be published.

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No. 28.

*General M'Donald to Governor Troup.*

MACON, 6th May, 1825.

SIR: I have just received information in relation to the existing disturbances among the Creek Indians, which I deem sufficiently important to be promptly communicated to you.

A Mr. Freeman, a gentleman no doubt of high character, has just arrived in this place from Alabama, with his family: he states, that the Indians appear to be in an alarming state of excitement, and from their general demeanor, so far as it came under his observation, seem determined upon mischief. Their professions, however, as far as he understood them, are entirely friendly to the whites, with the exception of the Agent: on his destruction both parties seem determined.

Mr. Freeman passed by Fort Mitchell, on Wednesday last, at which place he saw the Agent, who informed him, that, while at supper the evening before, a runner, from a town about 30 miles distant, informed him, that on that night he was to be murdered. The Agent had made every preparation in his power for his defence, and stated, that he believed his death had been determined on at a talk which was held on the Monday week preceding. He had communicated to the Indians the ratification of the treaty, and suggested to them the propriety of selling that portion of the territory which had been reserved, and to go in a body beyond the Mississippi. To the proposition to sell, no reply was given, and he was asked if he had signed the treaty. He informed them that he had signed in the character of a wit-

ness. After the talk with the Agent was over, the Indians held a secret one, from which the Agent and all the white residents were excluded, at which time the Agent supposes all their schemes of mischief were devised. Since Mr. Freeman left Fort Mitchell, he has been informed that the time on which the Agent was to be killed, was on Wednesday night, and not on Tuesday night, as communicated by the runner. He entertains no doubt but their purpose is executed before this time. If, however, he should be mistaken in his apprehensions, would it not be proper, from his peculiarly perilous situation, to afford the Agent prompt and efficient relief? Both parties of the Indians, those friendly and those hostile to the treaty, are alike excited against him—and both have pronounced the same fate for him. Col. Crowell, it is believed, could command between three and four hundred Indians, and if he had military supplies for them, could at least defend himself, although the hostile party is formidable; this opinion has been suggested by Mr. Freeman, but a small additional force could do no injury.

There is one circumstance more strongly indicative of the hostile design of the Indians towards the whites generally, than their warlike exhibitions. It is this; the whites who have been resident among them, and who are acquainted with their habits and character, are sending their families from the nation. The Indians hold a talk on Monday next, for what purpose it is not known.

Yours, respectfully,

CHARLES J. McDONALD.

His Excellency GEO. M. TROUP.

No. 29.

*Governor Troup to Gen. M'Donald.*

HEAD QUARTERS,

*Milledgeville, 7th May, 1825.*

SIR: Your letter of the 6th instant, by express, is this moment received. I am happy to learn from him, that he bore to you orders from Gen. Wimberly, in consequence of my general orders to him. You are, therefore, already on your guard, and you will not hesitate a moment, to take the necessary measures, first to make safe the frontier, and then to give to the Agent any protection which, according to the evidence before you, his safety shall demand; and of which, from your proximate situation to him, you will be the exclusive judge.

I hope that no harm has befallen him; and, if not, you may assure him that any force which may be necessary to reduce to order and obedience any militant tribes of the Creeks within our limits, shall be furnished promptly, under the command of a trusty officer, who will be charged with full powers to act efficiently, under any exigencies which may arise.

I thank you for the promptitude with which you have communicated this new information; at the same time, I indulge hope that the

cause of alarm has been exaggerated. It is scarcely to be believed that the Agent, from whom nothing has been heard, well knowing the contentions which agitate the country, and the imminent perils which surround him, should not have despatched runners to make known to this Government officially, and without delay, the circumstances which your letter discloses, upon the authority of a respectable traveller. The express which brought it, carries the answer.

With great respect and consideration,

G. M. TROUP.

Brig. Gen. CHARLES J. McDONALD, *Macon.*

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No. 30.

*Affidavit of Francis Flournoy.*

GEORGIA, BALDWIN COUNTY.

Personally appeared before me, Harris Allen, one of the justices of the Inferior Court for said county, Francis Flournoy, who, being duly sworn, deposeth and saith, that he was at General Wm. McIntosh's, in the Creek nation, one of the chiefs of said nation, on the morning of the 30th of April last, when, about day-break, a party of Indians, (with one white man among them, whom the Indians said was by the name of Hudman, as well as I recollect, and who said he was not sent by the chiefs to murder, to burn, nor to plunder, but to act as Interpreter, and preserve the travellers, should there be any there,) consisting of from two to four hundred, who, so soon as they had closely surrounded the General's dwelling house, and fixed a guard round the House which I was in, set fire to the dwelling house, and immediately shot the General, who instantly fell, and was drawn out of the house with considerable effect of the flames, and they continued firing at his corpse until, I think, they had shot more than fifty balls into him. They then set fire, also, to the house in which this deponent, and one other white man, and three chiefs, had staid all night, and finding \*Thomas Tustunnugge (a Coweta chief,) within, they appeared much gratified, and shot him almost as often as they had done the General; and this deponent drew him out from the flames, and afterwards assisted two other white men to bury them both. This banditti were busily engaged, from the commencement of the horrid scene until a late hour of the morning, in plundering and destroying every thing valuable, as well as the property of the white men who were present, as the property of the General; tearing a frock off a young Indian female, and leaving several children stark naked; carrying off a great many negroes and horses, (and cattle, as they themselves told me,) and said they were ordered to destroy whatever they could not carry off; and I saw them shoot many hogs, which they left on the ground. The General's Cherokee wife went to the camp of the hostiles to beg from them a suit of white to bury the General in, which was denied, as she said; and, on her return, she informed me that those Indians said they were ordered to do what they had done by

\* Etome.

those who ruled the nation since the Big Warrior's death, and they were supported and encouraged by the Agent. I observed I did not believe that : she replied, they would not tell a lie on the Agent : for they must know it would come to his ears, and they would have to answer for it. About eleven o'clock, those murderers returned again ; and, after ascertaining that a plain countenanced old man could understand some English, I observed to him : " Old gentleman, is this the way your People do ? go to a man's house and shoot him, and burn his house, and take every thing he has and carry it away ?—or are these bad men ? What have they done ?" He replied, he did not love to kill them, but the heads of the nation said so. I asked if Intockchunga and Thloco-cosco-mico, were the heads of the nation ? He answered, no ; Little Prince and Hopoethyoholy were their heads, now the Big Warrior was dead. I replied, these were the very two men that sent word to the Governor that those chiefs should not be hurt. He answered, that, at first, they did send that word to the Governor, and then it was so ; but, since that, the Agent had altered it, and told the council that the only way to get their land back, and keep it, was to kill all that had any hand in selling it, and burn and destroy all they had, which they could not carry away, and, after that, other chiefs never would attempt to sell their land, for fear of being treated in the same way : and when they had completed the above, as ordered by the council, they would send word to the President that they had saved their land, and done took it back, and now he and the white People never should have it again. The above article was confirmed by Colonel Hawkins' widow, next day, as coming from the party who murdered him, adding the name of Walker, former Sub-Agent, to that of Mr. Crowell.

FRANCIS FLOURNOY.

Sworn to, and subscribed, before me, this 16th day of May, 1825.

H. ALLEN, J. I. C.

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No. 31.

*Presentment of the Grand Jury.*

*In the Circuit Court of the United States for the District of Georgia,  
at Milledgeville, May term, 1825.*

The Grand Jury regret that they find it necessary to ask the attention of the Court to recent occurrences within the circle of its criminal jurisdiction. In the territory lately ceded to the United States, by the Creeks, at the treaty of the Indian Springs, atrocious murders have been committed upon the bodies of William McIntosh, Tome Tustunnugge, and Colonel Hawkins, three distinguished Indian chiefs, at all times the friends of the United States, and just about to begin a journey to the West, to explore the country, preparatory to the removal of the tribe, according to the provisions of the said treaty. Numerous parties of Indians, the friends of the deceased chiefs, and

of the United States, have been driven, destitute and naked, into the settled parts of the frontiers of this State for protection from the vengeance of those persons who had just sacrificed those chiefs. It is understood, and believed, that these outrages have been committed by large bodies of armed Indians, principally residents of Alabama. It is greatly to be apprehended, and feared, that they have been instigated and countenanced by white persons. The Grand Jury have due confidence in the vigilance of the constituted authorities of the General and State Governments, but they cannot, without a violation of their own duty, refrain from calling, through the Court, the attention of both Governments to the situation of the frontier, and to the consequences of the atrocities committed on the lately ceded territory. Those who have driven the friends of the murdered chiefs into the settled parts of the State, may pursue to destroy them in their places of refuge. They recommend that measures of necessary precaution, for the protection and succour of the fugitives, be immediately taken, and that every attempt to violate their asylum, shall be instantly punished. The Grand Jury deem it necessary to the character of the Government of their country, that the authors, perpetrators, aiders, and abettors, of the crimes lately committed, should be sought for, and, when ascertained, prosecuted and severely punished. They have no language strong enough to mark their abhorrence of the white persons, if any, who have seduced or irritated the unhappy Indians to perpetrate this tragedy. They recommend the severest scrutiny into the conduct of all white persons in the nation, and the judicial prosecution of each and every one of them against whom sufficient evidence to justify [it] shall be discovered.

The Grand Jury request that a copy of this their presentment should be sent to the President of the United States, and another to the Governor of Georgia, and that the foregoing be published in the newspapers of this place.

GUSTAVUS HENDRICK, *Foreman.*

A. G. C. Mitchell,  
Milner Echols,  
Henry W. Malone,  
James George,  
Henry Lowe,  
Warren Jourdan,  
Zeba Fletcher,  
Jacob Lewis,  
Elijah Tarver,

Eppes Duke,  
Burnell Russell,  
Geo. W. King,  
Thomas Dark,  
John Pinckard,  
William Cabiness,  
Joseph Stovall,  
Silas Ledbetter.

A true copy :

GEO. GLEN, *Clerk.*

No. 32.

*Address of Indians friendly to General McIntosh.*

NEWNAN, 18th May, 1825.

Governor TROUP :

DEAR FRIEND : We enclose you a communication for your perusal. We wish it published in the first paper, without you may consi-

der it wrong. There are a number of false statements in the papers; we have caused this meeting to make true statements, and to have it published. We want you to write us by the man who will deliver this to you, whether you will publish it or not. We have appointed ten chiefs, who will meet our friend Chilly McIntosh, in Milledgeville. We want you to make use of your endeavors to have our white friends paid, agreeable to our order, for provisions furnished us while we are in your country, out of such moneys as are coming from our lands.

Rolly McIntosh, his x mark.

Charley Miller, his x mark.

Foursathee Emarlo, his x mark.

Capt. Samuel Miller, his x mark.

Dickey, his x mark.

Col. William Miller, his x mark.

*Committee.*

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At a general meeting of the Indians friendly to General McIntosh, and who feel themselves aggrieved of the injuries done by the Indians inimical to the late treaty held at the Indian Springs, the following address was unanimously agreed to, and for the same to be published in the Georgia Messenger, and one of the Milledgeville papers :

PIKE COUNTY, FLINT RIVER, 17th May, 1825.

We have discovered in the Georgia Messenger, of Macon, of the 11th instant, a letter signed by our Agent, Captain Crowell, that the party of Indians friendly to General McIntosh had threatened his life, and also the life of the Little Prince, who is our principal Chief at this time. We acknowledge ourselves General McIntosh's friends and party; and, if any threats of this kind has been made, it has not come within our knowledge; therefore, we believe it to be a lie. We also see in the same paper information derived from the Agency, that the killing of McIntosh, Tome Tustunnuggee, and the two Hawkins, was not intended as hostilities against the whites; that it was only a fulfilment of their own laws, and a law which General McIntosh himself had signed, and declared at the square at Broken Arrow, during the late treaty at that place. This law was, that if any Indian chief should sign a treaty of any lands to the whites, that he should certainly suffer death. This statement is positively false; and it is only made use of as a pretext for the cruel murders which have been committed.

For the correctness of our denial to that statement, we will appeal to the United States' Commissioners, Col. Campbell and Capt. Meriwether, and many other of our white friends who were present during the treaty: and we further appeal to our Agent, who we believe will do us that justice as to give the lie to any such reports. It certainly would have been very inconsistent for Gen. McIntosh, or any of us, to have signed the treaty at the Mineral Springs, had such a law as that come within our knowledge. And it is very droll, too, that



such a law as that should exist, and that the National Clerk and none of us should have any knowledge of it. We have been in the habit of meeting all councils that concerns the nation, as much so as any other chiefs of the nation, and if any such law had been made we should have known it. We understand that there was a decree of that kind passed by the Big Warrior and his friends, at a place called the Pole Cat Springs, which is about fifty miles West of Broken Arrow. Broken Arrow is the capital of the nation, where all business of a public nature is transacted; therefore, as that meeting was one which was not ordered at the capital, and not a general one, it could only subject those who were present. It is right for us to state that our friend Tome Tustumnuggee was present and signed the decree, but we have often heard him say that he did not know the contents when he made his mark, or he should not have done so; and, as for Gen. McIntosh's ever signing or sanctioning any such law, we declare it to be false: for when he was told of it, he remonstrated severely against it, and declared that they were unauthorized to pass any such law, and that such a thing could not be a law, for it was impossible for Tuckaubatchee, and one or two other towns, to meet and pass a law for the destruction of his or any other chiefs who were not present, and particularly at a place where the national council should not have convened. When this meeting was ordered, there was no doubt in our minds that it was not intended for Gen. McIntosh or any of us to have known it; and it was ordered in consequence of the Cherokees sending the Big Warrior and his friends word that they must be mindful of Gen. McIntosh, or he would sell all their lands from them. The Little Prince, who stood as fair as any other chief in the nation, could not have had any knowledge of this law, or at least he had no idea that such a law would be enforced: for the appointment which he then, and now holds, requires more honor and truth than to have written the following letter to one of our chiefs, and one who signed the treaty, Col. Chilly McIntosh, who was amongst his white friends, in consequence of the severe threats which had been made against all who signed the treaty at the Mineral Springs.

*March the 4th, 1825.*

*My friend:* I am very sorry to hear of so much fuss amongst my people; I wish to have peace amongst both my white and red brethren. I hope you will take my talk, and come home and not be uneasy: for if any one had threatened your life I would have certainly heard it. There is some that will talk foolish when drunk: I consider you my son, and if I had heard any such talk I would let you know it. I wish you, and all of you to come home and live as brothers and friends, and trust to our Great Father for our protector and friend. I have heard of your negroes, and have given orders for them to be fetched home as soon as possible; this may assure you that I love you as a son, and wish you home to your family. They are all well at present.

LITTLE PRINCE, or Tustennuck Opoyow, his x mark.

JOHN OWENS.

LEMUEL B. NICHOLS,

} *Witnesses.*

Although it is seen plainly that the Little Prince has and did pledge himself, as our father, that no hostilities were intended, and all property taken should be restored, he has (although so pledging himself) from good authority ordered and decreed that our principal chiefs amongst us, should be murdered, and that in a cruel manner, and our property all destroyed. Such treatment as this is not usual from the father to his children; at least it authorizes us not to acknowledge him as our father, and shall receive no more of his talks. We have received many other talks from him to the same amount; and that we were alarmed for nothing, and all the fuss which had been made was in consequence of an affray which had taken place with a few drunken Indians which acted foolish; that we should not be hurt or interrupted; peace was what he wanted, and nothing but harmony should exist, for us to come home to our families and plant our corn. Now like hogs and sheep tolling to the slaughter pen, so we immediately repaired to our wives and children—and sure enough, what was the consequence? Only a few day rest, when we were awaked from our sleep with the cry of murder—McIntosh is killed, and how many more we don't know. Get up and clear yourselves, for death is your portion—the woods are full of Indians—all will be killed who signed the treaty.

This was very unexpected news to us, and we had a right not to expect it, particularly from talks had at Broken Arrow to the Governor's Aid, by the Little Prince and the Big Warrior's chiefs, declaring that we were in no danger, and all statements to the contrary, were lies: that they wanted peace, and nothing else was intended; of course we expected nothing else; but we had to fly for refuge to our white neighbors, where we have been kindly received, and treated as our situation requires. Every pledge has been forfeited by our father, the Little Prince, and his friends; therefore it is impossible for us to have any confidence in what he or any of his friends may hereafter talk.

We have lately received a talk from the Deputy Agent, Captain Triplett. We are sorry that his talk is so one sided—declares, in the first place, that we must go home and tend our farms; that we shall not be hurt. This talk was made in the presence of white men, to Benjamin Marshall, who is one of our chiefs; murdering should cease; that McIntosh, Tome Tustennuggee and the two Hawkins was killed in compliance with the laws of the nation. If there was a law for them to be murdered, that law yet exists; and admitting we should take this talk and go home, we should receive the same fate: for we are guilty of the same breach, and should of course receive the same punishment. He further declares that the Indians were cheated out of their lands: that we were all fooled by the United States' Commissioners, for that they had no lands West of the Mississippi, without they would hereafter buy it from the Indians who now reside there; that they, meaning the United States' Commissioners, had got our lands, and they did not care what became of us, and would not get any assistance from the whites. Our chief, Benjamin Marshall, asked the Captain if this murder was a fulfillment of the laws of the nation, why did their council at Broken Arrow declare to the Governor's

Aid, Col. Lamar, that there was no hostilities intended, and that they would protect McIntosh; for they had fought by his side, and liked him. His reply was, that the Governor's Aid had made that talk himself, and had went home with a lie in his mouth to the Governor. We must believe from the talks we received ourselves, that the Governor's Aid has spoken nothing but the truth. After the Captain found that we were not satisfied, he observed to a white man, that the tree was only topped, and if we were not satisfied with it, the limbs would be taken off. It is impossible for us to be satisfied, when the Captain himself has declared in his talk to us, that the Little Prince had never denied, since the death of McIntosh and others, but what he had ordered it, and he would now acknowledge it, for it was perfectly right. If we are to be governed by this talk, we are in a dreadful situation; without homes or friends, or even without means of subsistence, driven from our farms, and robbed of our property, and also the moneys arising from our land taken and given to our enemies. We have too much confidence in our Father, the President, to believe any such talks. He has never deceived us yet; we have his promise, in and through the United States' Commissioners, and shall hold it sacred until we find out to the contrary. Our Little Father, the Governor of Georgia, has given us a talk, of which we shall strictly obey until he may talk again.

We cannot help mentioning that we are fed by several white friends, who we hope will be remunerated at the Mineral Springs, when moneys shall be received for our land. Nothing but justice is demanded, and nothing else will be expected; and we hope that our Great Father, who is above us all, will cause us to obtain it.

We are now stationed at Newnan, in Pike county, and shall remain until our rulers shall order otherwise.

We hope this our communication will be published in the newspapers for the satisfaction of the world.

Signed by us in council this day.

Joseph Marshall.

Rolly McIntosh, his x mark.

Col. Wm. Miller, his x mark.

Arpefka Tuskenuggee, of Broken Arrow, his x mark.

Oithlepoyow Tustunuggee, his x mark.

James Island, his x mark.

Benjamin Marshall.

Conape Marlow, his x mark.

Charles Miller, his x mark.

Hogey McIntosh, (brother to Gen. McIntosh) his x mark.

Dickey, (interpreter to Cherokees for the Creeks,) his x mark.

Foursatcheh Emarlow, his x mark.

John Carr, his x mark.

Otulkee Marlow, his x mark.

Espoko Emarlo, his x mark.

Captain Samuel Miller, his x mark.

Andrew Lovett, his x mark.  
 Opothle Hadjo, his x mark.  
 Tulsa Haijo, his x mark.  
 Tucktelustee Emarlo, his x mark.  
 Tucktelustee Chopko, his x mark.  
 John Harrod, his x mark.  
 Nokoorylee Tustenuggce, his x mark.  
 Wareoochee Emarlo, his x mark.

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No. 33.

*Letter from Judge Cuyler to Col. John Crowell.*

SIR: I received yours of the 20th ultimo, a few days ago ; and, in answer, I inform you that, on the records of the District Court, you will find, and can have duly certified, a certificate of probable cause for the prosecution against Mr. Stinson ; I did not keep any notes of the evidence, but I very well recollect that Gen. Mitchell and Gen. McIntosh, deceased, were both sworn as witnesses.

I can only add, that I was perfectly satisfied of the guilt of Stinson, and that his defence was not sufficient to authorize his acquittal, and I so charged the Jury.

I think it likely, that some of the advocates in the case, has a detailed note of the evidence, and from them, it is probable you can get it.

I am Sir, your obedient servant,

J. CUYLER.

*Savannah, July 14, 1825.*

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No. 34.

*Capt. Thomas Triplett's Testimony.*

GEORGIA, BALDWIN COUNTY.

Personally appeared before me, Thomas Triplett, who being duly sworn, says that he has resided in the Creek Nation nearly three years, during the latter part of which time, he held, and yet holds, the office of Sub-Agent of Indian Affairs for the Creek Nation. That he has, during the above time, had many opportunities of forming a correct judgment of the official conduct of Col. Crowell, and is enabled to state, most positively, that, in every instance, that has come under this deponent's knowledge, his official conduct evinced a determination faithfully to discharge his duty to the General Government and

to the Creek Nation; and this deponent has never, in the least degree, observed any thing in the deportment of Col. Crowell, that could induce a belief that he was opposed to the wishes of the General Government, in relation to a cession of land.

Witness further states, that he was present at the Creek Agency on the Flint River on the arrival of Major Meriwether at that place, on his way to Broken Arrow; Col. Crowell had returned a day or two before from Savannah. On the day of Major Meriwether's arrival at the Agency, the Montgomery paper containing the Tuckabatchee and Pole Cat proceedings, was presented by Col. Crowell to Major Meriwether. And deponent has heard Colonel Jones, one of the Georgia Commissioners, say, that Colonel Campbell received the paper at Twiggs Court, about that time.

Witness further states, that he was present at the Council of Chiefs held at Broken Arrow in December last, on the first day of their meeting the Commissioners; that he heard Gen. M'Intosh's talk to the Chiefs; witness understood it nearly all; what he did not understand, was interpreted to him. In the whole of that talk, M'Intosh exhorted the Indians not to sell any land, and expressed himself decidedly as opposed to any cession of land. Witness left Broken Arrow the next day.

Witness further states, that he was present at the payment of three annuities, and the Agent uniformly paid the Chiefs in cash; that previous to the payment of the last annuity, an arrangement was made by the Chiefs in Council, to have about twenty thousand of the last payment vested in goods under the direction of the Big Warrior and McIntosh, for the purpose of having them distributed among those poor Indians who were unable to clothe themselves. The goods were purchased by the said two Chiefs, or under their direction, and distributed by the Agent, at the request of the Council, to the Nation. That the Agent had no other agency in the transaction, except distributing the goods as aforesaid. These goods were all purchased out of the Nation. Witness, from what he has heard the Chiefs frequently say, has no hesitation in expressing his belief, that the other annuities paid by the Agent, were also paid in cash.

Witness further says, that he has a general knowledge of the affairs of the Agent and his brothers; and from this knowledge, witness is enabled to state, that one of the Agent's brothers is a licensed trader at Princeton, near Broken Arrow, and keeps a house for the accommodation of travellers. Witness states, the other brother lives on the Flint river, and is no trader, but keeps a house for the accommodation of travellers. Witness is satisfied that the circumstance of their relationship to the Agent, gives them no advantage, nor do they enjoy any, that are not enjoyed by others, who go into the nation and comply with the laws. Witness also states his confident belief, that the Agent has never refused any license or legal privilege to any person, who was desirous of residing in the nation, who possessed fair characters and were willing to comply with the laws; and witness is

certain that Col. Crowell is in no wise concerned in any stand in the Nation, or trading establishment, and derives no emolument, or advantage, except what he legally enjoys from his station.

Witness further states, that at the payment of the annuities of 1823, at Broken Arrow, witness was present ; after the money had been paid to the Indians by the Agent, and they went out of the square to to divide it, McIntosh went among them, took a quantity of the money by violence from them, under the pretext that they were indebted to him ; and witness heard him afterwards declare, that, in this way, he had obtained \$8,000. Witness says, from his knowledge of McIntosh's general character, he states him to have been a man of an avaricious disposition, and the instance above stated is characteristic of him.

Witness further says, that he has had frequent opportunities of becoming acquainted with the Agent's treatment of McIntosh ; and witness states that the Agent uniformly treated him with justice, although the Agent was frequently, from a sense of duty, compelled to oppose his views in relation to Stinson, and others ; and witness states his belief, that McIntosh was influenced, in a great measure, in his opposition to the Agent, by the late Agent, D. B. Mitchell.

Witness further states, that, about the latter part of August, 1824, he received a letter from D. G. Campbell, one of the United States' Commissioners, dated 24th August, by the hands of Col. Campbell's brother, W. L. Campbell, suggesting a copartnership between witness and his said brother, in the supply of rations to the Indians at Broken Arrow, during the Council to be held, in December thereafter ; witness had applied to the Commissioners, making proposals for furnishing rations, (he being then not in public employ ; ) this letter witness has handed to the Special Agent, Maj. Andrews, as containing things pertinent to the matters under investigation.

Witness further states, that he was present at the Indian Springs during the meeting in February last ; that, during the whole of that meeting of the Chiefs at that place, witness roomed with Col. Crowell, and had a full opportunity of becoming acquainted with the course of his conduct on that occasion ; has frequently heard Col. Crowell advise the Indians to sell their lands, and go across the Mississippi, in the strongest terms. Witness states, in short, that he believes verily, the Agent was treated with much jealousy, both by the Commissioners and the Indians, which prevented him from participating so fully as he otherwise would have done, in accomplishing the views of the Government ; and that witness further believes, that the Agent was opposed to the treaty, because it was made not in conformity to the instructions of the Government, nor was it made with Indians authorized to treat for a cession of lands.

Witness further states, that the head men of no other town in the Nation, except the Cowetau head Chief, signed the treaty, who was M'Intosh ; Tomme Tustenuggee, was the second in rank in the same town, but not a National Chief ; that McIntosh was the fifth Chief in the Nation.

Witness further says, that he was present when the treaty was signed. The manuscript treaty was read section by section, by Col. Campbell, (and not the Secretary,) to the Interpreter Col. Hambly, who interpreted it as read by Col. Campbell; that after the treaty was interpreted in the manner above stated, and after it was signed, Col. Campbell specially requested Col. Crowell and the Interpreter to witness its execution; that they went to the table and signed it as witnesses without reading it over; that neither Col. Crowell nor the Interpreter had an opportunity of reading it; that, after it was signed and witnessed, Col. Crowell requested a copy of it; that, after Col. Crowell and witness had left the room, witness remarked to Col. Crowell, that he thought he had committed himself by signing the treaty. Col. Crowell replied that he had merely signed the treaty as a witness to the execution of it, at Commissioners' request, and with a view to identify the paper thereafter: for that he might be called upon again. Col. Crowell further remarked, that he had only witnessed the signing, as he would have witnessed the signatures to any other paper, and not intending thereby to attest the correctness of the transaction, as being in conformity to the instructions of the Government, or legally binding on the Creek Nation. Col. Crowell, the next morning, sent on to the War Department a letter protesting against the treaty. Some time after which, in witness' presence, Col. Crowell received a copy of the treaty: witness took it from him, and commenced reading it over to himself; when he read as far as the fifth article, it striking him as being strange, he called Col. Crowell's attention to it, and read it to him, who immediately said that that article had not been interpreted, and asked witness if he had heard it read by Col. Campbell, or interpreted by the Interpreter; witness replied he had not. Both Col. Crowell and witness were struck with astonishment when they discovered, as above related, that article in the treaty; witness also asked Col. Hambly if the fifth article (explaining it to him) had been read or interpreted; to which he answered it had not. In consequence of this discovery, Col. Crowell believing it to be his duty, determined to go on immediately to Washington City, and urged witness to go with him, to detect and expose the imposition.

Witness further states, that he was present at every meeting of the Chiefs in Council at the Indian Springs, when the Commissioners were present; that no such request, as that contained in the fifth article of the treaty, was ever made by the Chiefs, or any of them, to the Commissioners; if it had been, witness should have heard of it.

Witness further says, that the day before the treaty was signed, Potheleyoholo stated to the Commissioners in council, that they were not authorized to sign any treaty there; that his head Chiefs had instructed him to come there and receive their talk, and to return an answer; and to invite them, the Commissioners, to meet the chiefs and headmen of the Muscogee nation, three months hence, at their Grand National Council Square, Broken Arrow, and that the nation would defray the expenses of the meeting. Col. Campbell replied to him,

that it was impudence in him to talk in that manner to him ; that they, the Commissioners, had met them there to make a treaty, and it should be done. Poethleyoholo evinced much indignation in his manner, but made no reply, and retired to his seat. Several of the Chiefs, Yoholomicco and the son of the Little Prince, and some others, made some remarks in opposition to the views of McIntosh and his party. When Col. Campbell stated to them, through the Interpreter, that the Commissioners and Agent would withdraw, and leave them to discuss the matter among themselves, and when the Commissioners and Agent, and other white men, withdrew, McIntosh and his friends left the Council also, (evidently declining to remain there without the white men,) instead of remaining and discussing the matter with the Chiefs, as contemplated. At the time above mentioned, Col. Campbell also stated, that the Chiefs would be furnished with candles, and could continue in council at night ; at night, the Chiefs opposed to the treaty, came to where witness was, and said that McIntosh and his friends, instead of meeting the Commissioners and themselves in council, had gone to McIntosh's house, and had refused to meet them in council. That night, about two hundred Chiefs went off, by the orders of Poethleyoholo, as witness has since learned from him and the other Chiefs. On the succeeding day, the treaty was signed as before stated ; when McIntosh was called upon to sign the treaty, Poethleyoholo advanced, and met him at the table, and said, " My friend, you are about to sell our country ; I now warn you of your danger ! " He then shook hands with the Commissioners, and immediately left the room : This remark was not interpreted to the Commissioners. Witness further states, that D. B. Mitchell and Col. Campbell roomed together, and they were remarkably intimate. Col. Campbell, uniformly kept a seat for him by himself, at table. Witness believes, from what took place, that General Mitchell was an active instrument in the hands of the Commissioners, in effecting the treaty.

Witness further states, that he was present at Broken Arrow, in April last, when Col. Crowell informed them of the ratification of the treaty, the letter of McIntosh to Governor Troup, and the Governor's proclamation. Much sorrow was manifested by the Chiefs in council upon receiving the information. Col. Crowell urged them to conform to the provisions of the treaty, to be peaceable, and stated to them, that he had succeeded in getting the \$ 200,000 distributed to them in the same manner as the annuities. They declared, one and all, that having made no treaty, nor sold any land, they would never consent to receive any money ; that they would die on their land and make no resistance. The chiefs had no friendly conversation with the Agent or the Interpreter, because they believed they had signed the treaty, from what white men had said to them, and were greatly dissatisfied with them. Their confidence in the Agent and Interpreter was not restored until they learned that the Governor of Georgia blamed them too.

Witness further states, that, in relation to the death of McIntosh and others, witness has no hesitation in expressing his decided conviction and belief, that he was executed and the others with him, for a



violation of a known law of the Nation; that they viewed them as traitors, and executed them accordingly—and the chiefs and warriors by whom they were executed, all of them resided in the ceded country; that witness does not believe that any white man but Hutton knew any thing of the matter, until after it had taken place; nor does he believe that, if Col. Crowell had known of it, it would have been in his power to have prevented it, except by apprizing McIntosh, and urging their flight. That the cause of this secrecy of the chiefs, in this execution of the law, witness has since understood from them to have been founded, in the fear that McIntosh and the others might be apprized of their intended execution, by white men, and the execution of the law be defeated by their flight. Witness believes, that, if the Governor of Georgia had not sent his Aid into the nation, and thereby lulled McIntosh into a false security, that he would have provided for his own safety, and not have trusted himself in the nation.

THOMAS TRIPLETT.

Sworn to, before me, this 20th July, 1825.

APPLETON ROSSETTER, J. I. C.

No. 35.

*Affidavit of Colonel William Hambly.*

PRINCETON, INDIAN NATION.

Personally appeared William Hambly before me, Thomas Triplett, acting Agent of Indian Affairs for the Creek Nation, who, being duly sworn, says, that he is the public interpreter, duly qualified and sworn, for the Creek Nation; that he has acted in that capacity about five years; that he has resided among the Creeks rising twenty years; is perfectly acquainted with their character, customs, laws, and language; that he has uniformly acted as public interpreter in the public councils of the Nation, during the first mentioned time, in their intercourse with the whites; that he was present at the meetings at Broken Arrow and the Indian Springs, between the Chiefs and the United States' Commissioners, Colonel Campbell and Major Meriwether, and interpreted for them in the public Councils. During the Council at Broken Arrow, in December last, was present, and interpreted for the Indians, the Commissioners, and the Agent. McIntosh was appointed to give their talk to the Commissioners. So long as the intercourse between the Council and the Commissioners was conducted in writing, McIntosh gave the answers, and some of the Head Chiefs signed the papers containing their answers, with him. Witness knows, that, in consequence of McIntosh holding private talks with the Commissioners, the Council became suspicious of him, and broke him from being any longer Speaker. After this, the Commissioners proposed to the Council, to dispense with writings, and continue the negotiation verbally. To this, the Little Prince assented, saying, that the Council was glad of the course proposed, as that was the right plan, and they liked it, because they could conduct it better; and added, that the white people had the advantage of them, and could

write better. The Commissioners in their verbal communications, reiterated what they had said concerning the treaty, and added, that, unless the Council would consent to dispose of the land, the Georgia people would divide the Nation into counties, and extend their laws over the Indians; and they were not sure, if the Legislature, which was then sitting, knew of their refusal, but that they would extend their laws over them then. The Little Prince said, that he trusted to his Father, the President, for protection; that he had the same answer to give that he had given before; that he had no lands to dispose of for money, or in exchange for lands over the Mississippi; that, if the Commissioners did not believe him, here was a full Council of chiefs of the Creek Nation, and they could ask each one individually: many chiefs then stated the same thing, and not one spoke in favor of selling their lands. Commissioners further told the Council, that they should beware how they took the talks of the Cherokees, and designing white men in the Nation; that the Cherokees would be obliged to take their talks back, and remove over the Mississippi; and that the President would not hear to their refusal, and had determined to put them over the Mississippi. Commissioners also said, they were not to be put off with such answers; that they would meet them again, and consider deliberately, before they gave a final answer. Little Prince and Poethleyoholo said, that they would listen to all their talks, but, that they had but one answer to give; and that was, that they had no lands to sell. That, after McIntosh was broke, he slipped off at night, and went to Coweta, where the Commissioners followed him, and were gone part of two days. When the Commissioners returned, Major Meriwether only, went into the Council Square, and asked them if they had changed their minds relative to their lands: It was replied, that they had but one talk to give them, which they had already heard, and, if they were called together for a month, they would return the same answer. The foregoing is the substance of the verbal intercourse between the Indians in Council and the Commissioners, and, in many instances, the very words. That, during the time the Council was in session, and the stay of the Commissioners at Broken Arrow, the Agent quartered with Colonel Campbell, and never had any private intercourse with the Indians, but pursued the course he had informed the Commissioners he should pursue. During the intercourse at Broken Arrow, Captain Bailey, who lived at the Indian Springs, one night rode up with Daniel Perryman, and an other Indian, and inquired for the Commissioners, after going to their quarters, and not finding them; and stated that the Commissioners had got on the track of getting some land, and that he wished to aid them; and had offered Perryman, one thousand dollars to use his influence, finding he was a smart fellow; that Perryman wanted the offer to come from the Commissioners; and he, Bailey, had brought him to see them. That witness understood Bailey to be in the employ of the Commissioners; knows of no other bribes offered at Broken Arrow, except what he heard from Doyle. Witness further states, that Indians reported to him that Commissioners were holding secret

meetings with McIntosh at Chilly's house, at night; which created among them a great deal of distrust and uneasiness. At the first meeting at Broken Arrow, on account of McIntosh being accused by the Cherokees, of offering land to the Commissioners, he required them to state to the Council, whether it was so, adding that it was false, and done to injure him in the estimation of his own countrymen. Col. Campbell then rose, and stated it to be false, and gave his honor to the Council, for the truth of the assertion. It was in consequence of this solemn declaration of Colonel Campbell, as well as a speech made by McIntosh, that he was appointed Speaker to the Council, which he held only a few days, when he was broke as before stated. That Colonel Williamson, just before the meeting at the Indian Springs, in February last, came to Calfrey's, and tarried a day. Calfrey lives opposite to witness, and twenty miles from Broken Arrow. During the day, Calfrey came to me, and said he was authorized by Williamson, (who is understood to be the brother-in-law of Colonel Campbell, and in the employ of the Commissioners,) to offer witness eight thousand dollars, if he would persuade the Indians to sell their land to the Commissioners. Col. Williamson and myself started in company for the Indian Springs; in the course of conversation, he stated that he had been appointed by the Commissioners to conduct the Indians over the Mississippi; that he was to have the money to be appropriated for carrying them over; that, if witness would use his influence to effect a treaty and a removal, he would divide the profits, and would pay the wages of any other person who might be employed, out of his half. Witness replied, that he knew that there were Indians who placed much confidence in him, and he would not betray that confidence, but that he would not oppose them, or throw any obstacles in the way of a treaty. During their journey, Williamson also stated, a treaty would be effected with McIntosh, as Colonel Campbell had stated to him that he had received instructions from Government to make one with McIntosh, if he could not get the consent of the nation.

On their arrival at the Indian Springs, Williamson repeated the offer to him, the witness, twice; and stated, that it was in the power of the Commissioners to do all he had promised.

Witness further says, that he was informed and believes, that M'Intosh and the Commissioners held many secret meetings, and on several occasions; he knows the fact himself; quartering in an adjoining room, frequently heard them conversing, but unable to state its purport.

Witness knows that no part of the treaty was ever interpreted to the chiefs in council, until they were required to sign it; that the chiefs never had an opportunity of deliberating upon it. General Mitchell and the Commissioners held many secret consultations with each other, and with M'Intosh. Witness has not the least doubt but that General Mitchell endeavored, with the knowledge and consent of the Commissioners, to seduce M'Intosh and others to sign the treaty. That a day previous to the signing of the treaty, Poethleyobolo told the Commissioners that the principal chiefs of the nation, Little

Prince and Big Warrior, had sent him there to receive their talk, and to return an answer; that they had required him, if they had exchanged talks, to bring down their chiefs: and that he invited the Commissioners to attend a full council of the nation at their national council house at Thla-cach-ca, (Broken Arrow,) in three months, and then he left them; and, at night, as it appeared afterwards, he sent off those that did depart. Witness is certain that the Commissioners are mistaken when they remarked, that the assent of the chiefs who left the treaty ground, was obtained before their departure; because the witness knows that the chiefs, and those always in the most unqualified terms, expressed their decided determination to make no treaty; and that, as to the chiefs and others being sent off by white men, the witness has no hesitation in saying he believes to be entirely unfounded. That he interpreted the talk of Col. Crowell to the chiefs in council at the Springs; that, on that occasion, the Agent informed the Indians that it was the wish of their Great Father that they should sell their lands and go across the Mississippi; that he believed it to be best for them to go; and that, if they would consent to go, he would go with them, and be their protector. And afterwards, Colonel Crowell mentioned the same talk to Poethleyoholo, when that chief desired him never to mention so disagreeable a subject to him again; that they had great confidence in their Agent; but the chiefs had solemnly determined never to treat for lands except in their national council house. That witness is unacquainted with any effort made by the Agent to create any opposition among the Indians as to the selling of their lands: nor does he believe that the Agent ever held any council with them for that purpose; if he had, in the least degree, been guilty of any such conduct, or excited or advised the Indians not to sell their lands, the witness is certain he should have known it, because his communications with them are, and have been, of the most extensive character.

When M'Intosh was going to sign the treaty, Poethleyoholo was present, and reminded him that he was about to break a law of the nation which he himself had proposed; and warned him of the consequences of the act. He, Poethleyoholo, then took leave and departed. The Agent and the witness were required by the Commissioners to witness the signing of the treaty, which they did. It was understood at the time, that the witnessing the treaty was merely witnessing its formal execution, and not attesting the correctness of the transaction. That when those who were called upon to sign the treaty were all present, witness was called upon by the Commissioners to interpret the treaty, article by article; Colonel Campbell read it over. Witness has every reason to believe that the fifth article, relating to the payment of the \$200,000 by the Commissioners, at the request of the Indians, was never read nor interpreted to the Indians; if it had been, witness thinks he should have recollected it. M'Intosh was present by the table, and was very active on the occasion in procuring signers. Witness says further, that neither of the principal chiefs of the nation signed the treaty; that Poethleyoholo represented both the principal chiefs; that many broken chiefs, and Indians that were no chiefs,

signed the treaty, who were not authorized to sign any treaty or public acts. Witness states further, that M'Intosh became opposed to the Agent from the time of the first annuity paid by the Agent, because the Agent refused to let him have the control of the funds, as he was accustomed to have during the agency of General Mitchell. Witness has frequently understood that M'Intosh and General Mitchell furnished George Stinson with goods, and directed him to come to the nation, and sell them without license, contrary to the laws of the United States; and, afterwards, when Stinson was prosecuted for it, M'Intosh protected him. This was another cause of M'Intosh's opposition to the Agent. Witness has frequently been in company with the Agent, M'Intosh, and the other chiefs, and never discovered that the Agent treated M'Intosh with less respect than others; but, on the contrary, always appeared to treat him with more attention than chiefs of his grade. Respecting the death of M'Intosh, witness has frequently heard him proclaim the law in council, and out of it, that any man who should dispose of any land, or offer to do it, without the consent of the whole nation, should die by the law: heard M'Intosh often say so three or four years ago, and since. Witness has no doubt that it is one of the fundamental laws of the nation, enacted in full councils, and re-enacted in every town council. According to the customs of the Creeks, a transgressor of the law is punished by a set of men called law-makers or law-menders, answering to those who execute the laws in civilized countries, sheriffs, &c. Witness has heard the chiefs say, in full council, that M'Intosh was executed for a violation of the law, by order of the principal chiefs. From witness' knowledge of the laws and customs of the Creeks, he has no hesitation in saying, that the death of McIntosh was occasioned by his selling the land without the consent of the nation, in violation of the law. That the Agent did not know any thing about it, he is confident, because it was kept secret (even from the witness) from every white man except Hutton. Witness does not believe if the Agent had known it, all his influence could have prevented it.

Witness was present and interpreted for the Agent, when he informed the chiefs, in council, of the ratification of the treaty in April last, and M'Intosh's letter to Governor Troup. The council said, M'Intosh had informed them by a runner of his letter, but did not believe him, until confirmed by the Agent. The chiefs sent for M'Intosh to attend the council; the answer was, that he would not attend the council.

When they were informed of the ratification of the treaty, and the letter of McIntosh, general consternation and distress prevailed. Witness thought they manifested more extreme sorrow than he ever knew them to manifest on the most sorrowful occasions. They considered the ratification of the treaty as a national calamity. The Agent urged them to conform to the provisions of the treaty, and that he had obtained the directions of the Government to have the 200,000 dollars paid in the same manner as the several annuities had been distributed; the Chiefs and Headmen, in Council, declared, one and all, that, "having sold no land to the Government, they would receive no

"money ; that they would not use force against their Great Father ;  
 "but, that they would die upon their beloved land, and let their bodies  
 "dies enrich the soil by their decay, that the world might see that the  
 "Muscogee Nation died for the love of their native land, and would  
 "not desert the graves of their fathers." If McIntosh had attended  
 the Council when summoned, witness is enabled, from his knowledge  
 of their customs, to state, that he either would have been pardoned or  
 executed on the spot, in the square, according to the judgment that  
 the Council might have found on his conduct ; and this, he is confident,  
 McIntosh knew. His refusing to attend, taken in connexion  
 with his signing the treaty, his letter to Governor Troup, and the  
 Governor's proclamation and talk, sent by his Aid, Colonel Lamar,  
 witness has no doubt accelerated his death. From witness's knowledge  
 of the character of McIntosh, he does verily believe, if he had been  
 left to himself, he would have provided for his own safety ; but that,  
 in the opinion and belief of the witness, he was lulled into a false security  
 by the interference of Governor Troup ; his Aid, Colonel Lamar,  
 having misconceived the talk of the Little Prince in reply to the Governor's  
 talk. Witness interpreted for Colonel Lamar, and is able to state,  
 positively, that the talk in the Little Prince's answer was exclusively  
 confined to a denial of any hostility, or intended hostility, to white  
 people ; and Little Prince never said any thing at all respecting the  
 intentions of the Council in regard to McIntosh.

Witness further states, that he was present at the Agency, on Flint  
 river, when Major Meriwether arrived there ; the Agent had also just  
 arrived from Savannah with witness. The Montgomery paper, containing  
 the first publication of the Tuckabatchee and Pole Cat Spring  
 proceedings, had arrived the day before by mail. The Agent, in  
 examining the papers, found this one, and immediately handed it to  
 Major Meriwether. Witness has seen the remark in Col. Campbell's  
 letter of the 8th of January, 1825, which states that "of the existence  
 of these proceedings," "we had no knowledge until we obtained it,  
 casually, on our way to the treaty ;" that witness cannot state how  
 Colonel Campbell obtained a knowledge of the proceedings ; but he is  
 certain, that the first moment when it was in the Agent's power to  
 present the paper, containing them, to Major Meriwether, it was  
 done.

Witness wishes to be understood as meaning, by the words "first  
 publication," in regard to the *Tuckabatchee piece*, only that it was the  
 first time that it was in print ; but that piece he, the witness, heard  
 proclaimed, and assented to, in full Council, at Broken Arrow, when  
 McIntosh was present, a long time before the first meeting in December  
 last.

Witness is enabled to state, from his knowledge of the official  
 conduct of Colonel Crowell, that he considers him to be a faithful public  
 officer, and worthy of his trust ; that Colonel Crowell has the confidence  
 of the Chiefs and Headmen of the Nation, and has never heard any  
 complaint, except from McIntosh, and a few under his immediate  
 control.

Witness states further, that he has read that part of the testimony of Colonel Williamson, taken before the committee of the Legislature, which relates to himself; and he most positively denies having any conversation, like that contained in the testimony of Williamson, concerning the Tuckabatchee Chiefs, or of my saying I had the control of them, or that I would do any thing to save Colonel Crowell. All that part of Colonel Williamson's testimony is utterly untrue and unfounded. And witness further says, that, from his intimate knowledge of all the circumstances attending the intercourse of the United States' Commissioners with the Chiefs and Headmen of the Creek Nation, and their rooted hostility to treating on any subject of national concern out of their Grand National Council Square, and their determination not to sell their lands, witness has no hesitation in declaring it to be his firm conviction, that the treaty was made by a few Indians, under McIntosh's control; that Commissioners knew they were treating with a remnant of the Nation, and they wished to use unfair and fraudulent means to accomplish their object.

WM. HAMBLY.

Sworn to, and subscribed, before me, this 4th July, 1825.

THOMAS TRIPLETT,

*Acting Agent Indian Affairs.*

Witnesses:

E. P. GAINES, *Maj. Gen. Com'dg.*

T. P. ANDREWS, *Special Agent.*

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No. 36.

*Testimony of the Rev. Isaac Smith,*

ASBURY, CREEK NATION, July 5th, 1825.

Major ANDREWS.

SIR: Agreeable to your request to be informed of the general conduct, and of what I believe of the United States' Agent, Colonel John Crowell, you will please accept the following statement:

Soon after I came to this station, in May, 1822, we had difficulties to encounter which were unexpected, originating, as we thought, in the Agent's declining his aid to obtain permission to preach the gospel among these people. Our grievances were sent to the President of the United States, whose advice has, I hope, removed our grievances.

I have nothing against him; I believe he will afford us his aid. He has always appeared friendly to the school; willing, when applied to, to do all he could to promote it. I believe him a friend to the civilization of these people. I have conversed with him respecting the Indians parting with their lands, and removing beyond the Mississippi; he gave it as his opinion, that it would be best for them, as they would have there a permanent settlement, which they could not have here. The chiefs of the nation deny his influencing them at the treaty of

Broken Arrow, held in December. I believe they speak the truth. General M'Intosh's death, (so unjustly laid to him) was ordered by the chiefs of the nation, for a violation of their laws : a law which he proclaimed last August, in sight of our house, at a ball play, to a large assembly of Indians. He there informed them of the law, and that whoever broke it would be put to death. His son Chilly mentioned it to me last Summer in my house, and after the appointment of the treaty in December, he observed, that no land would be sold, as the laws forbid selling any more.

After Colonel Crowell returned from Washington, I was present at the Council at Broken Arrow, the 22d April ; I heard him inform the Chiefs that the treaty was ratified. He advised them to reconcile themselves to it ; informed them he had done all he could for them to have the money paid as usual ; he recommended the Chiefs to advise their young men to behave peaceably towards the white people that passed through their country. The countenances of the Chiefs spoke their disappointment. Knowing that the treaty was not made as all other treaties had been made with them ; that it was signed by only one Chief, who had any right to sign a treaty, they did not believe the Government of the United States would ratify it ; and although they were told it was ratified, they appear not to have believed it, until told them by the Agent. Shortly after, they requested Colonel Crowell to withdraw ; they informed him, that if they wanted him they would send for him, which, I believe, they never did. Some of them were much displeased with the Agent for signing the treaty ; they appeared to have lost their confidence in him, (for a time,) and declined any further communication. The Council broke up different from any I had seen in the nation. I believe General McIntosh's death was ordered by the Chiefs before they left the square, and persons instructed to enforce the law.

I would willingly decline, in all cases where it can be dispensed with, yet, if the Government consider it necessary, I am ready to be qualified to the statement I have made.

I am, Sir, respectfully your's,

ISAAC SMITH.

*Copy of interrogatories exhibited to the Rev. Isaac Smith, by the Commissioners of Georgia ; copy handed to the Special Agent by Mr. Smith.*

**Question 1.** Did you not have a conversation with Colonel Crowell before you wrote the letter which he has published in the Georgia Journal ?

*Answer.* Yes, many.

**Question 2.** Were you not requested by Colonel John Crowell to write it to him, and did he not know, previous to its being written, what would be the contents of it ?

*Answer.* No.

**Question 3.** Were you in the council, and did you hear and understand the talks between the chiefs, when McIntosh regained their confidence ?



*Answer.* Yes, I understood what was interpreted.

*Question 4.* Who was the white man who informed you that there were five hundred Indians that night to kill M'Intosh for offering to sell their land?

*Answer.* Mr. Hardridge.

*Question 5.* Do you not believe that Colonel Crowell knew that the Indians were going to kill M'Intosh before they did do it, and that too in time to have warned him of his danger?

*Answer.* No.

*Question 6.* Do you believe, or know, that Colonel Crowell made any attempt to prevent the Indians from killing M'Intosh?

*Answer.* No.

*Question 7.* What law of the nation was existing to require the killing of M'Intosh for its enforcement? did you ever see it? when was it passed, and where? and was M'Intosh present when such law was made?

*Answer.* A law which M'Intosh proclaimed at a ball play; which law was seen by nobody.

*Question 8.* Is any law obligatory on the nation, unless made at Broken Arrow?

*Answer.* The Commissioners said so at Broken Arrow; I do not know if it is true.

*Question 9.* Which of the Indians who were murdered, had signed the law of which you speak in your letter?

*Answer.* I do not believe any were murdered.

*Question 10.* As Hawkins neither signed the treaty as a witness or chief, what law did he break which required his death?

*Answer.* The law of nations as accessory.

*Question 11.* Do you know any thing about any such law, but from the statement of others, and who were they?

*Answer.* I do not; I was told of it by Chilly M'Intosh last Summer.

*Question 12.* Is not your statement of your belief made from what you have heard Colonel Crowell say, and also what you have heard the Little Prince and others say, since the murder of M'Intosh?

*Answer.* I do not believe he was murdered.

*Question 13.* Were you not present when Col. H. G. Lamar, Aid to Governor Troup, gave the Indians a talk; and did not the Little Prince assure him they intended no harm to those who had signed the treaty; and did he not tell him to inform them they must come home and attend to their business?

*Answer.* I was present; but the Interpreter spoke so low, I did not hear all he said.

*Question 14.* Do you not know or believe that Col. Crowell was unfriendly to a cession of land, and did what he could to prevent the Indians from making any? and state your reasons for your belief.

*Answer.* I have no reason to believe so.

*Question 15.* Have you seen and conversed with Chilly McIntosh,

since the death of his father? if yea, please state when and where, and what, was the subject of your conversation.

*Answer.* I have not.

These interrogatories were, I believe, handed the 30th June, 1825.  
ISAAC SMITH.

No. 37.

*Statement of Rev. L. Compere.*

ASBURY, June 29th, 1825.

To Major ANDREWS.

SIR: Having been required by you to afford what information may be in my power relating to the general conduct of the United States' Agent, but more particularly with reference to the two specific charges made by the Georgia Governor, I beg leave to present you with the following statement: As it regards the general conduct of that officer, it is with considerable regret that I cannot state that he is free from the charges of impropriety. In some instances I have thought we have had just causes for complaint. I do not think he has afforded us those facilities in his power, that might have removed difficulties out of our way, in the discharge of those duties which devolve upon us. But it is due to this Gentleman that I should state, that I hope and believe that all those causes have been removed, and that, at this time, he enjoys our entire confidence.

With respect to the unfortunate affairs which have so distracted this nation, and led on to such fatal consequences, I cannot, as some do, believe that Col. Crowell ought to be implicated. I cannot believe he was so strenuously opposed to the late treaty. On the return of the Indians from Broken Arrow, I was informed, by some of the Chiefs, that the Agent would not interfere either way.

The murder of McIntosh (as it is called) I always viewed as the entire act and doing of the Indians, who considered that chief as having forfeited his life to his country, for breaking their law. The law under which he suffered, I have frequently heard of as a law of the nation; but especially from the Big Warrior, who, one day, sometime after the Cherokee Indians had declined treating with the United States' Commissioners, particularly informed me of it. After these Indians met at Pole Cat Springs, it was more frequently talked of in my presence.

In a day or two after the meeting at which the Indians were informed that the agreement McIntosh made with the Commissioners, at Indian Springs, had been ratified by the United States, it was stated to me, by some of the chiefs, that the Indians had no friendly conversation with the Agent during all that meeting. As such, I naturally concluded they would not have admitted him to their secret council, which was held at that time, for the purpose of planning the execution of their own laws. Since that meeting, I have heard some of the chiefs, in and about Tuckabachee, declare, in council, that Col. Crowell knew nothing of their intentions. Indeed I have every reason to be-

lieve that his signing the Treaty, as a witness, so shook their confidence in him for the time, that they did not think he ought to be trusted by them. This is all I know or believe of these matters ; and though I have serious objections to oaths administered on slight grounds, and on trifling occasions, and when I do not think I am under an actual obligation, yet if the General Government should think it necessary, on this occasion, to give validity to what I have stated, I shall feel I am bound to comply.

Yours, with sentiments of respect,

LEE COMPERE.

P. S. In connexion with what I have stated in answer to the 7th inquiry, as I do not know any thing on the subject, I, therefore, cannot believe any thing about it.

L. C.

The first time I heard of the killing of McIntosh was on the day the Chiefs arrived at Tuckabatchee with the information to that effect. That morning I had intended to go to the Ufauley Town, on business relative to our mission ; but was informed by our boys, that the Indians were gone up the river to kill McIntosh ; and, on further inquiry, was told that this was known among our boys about five days. On being asked why they did not tell me ? was answered, "because we thought you would tell somebody else." I have written to the Editor of the *Intelligencer* in reference to this subject. It has been published with my name ; and it was done so to give information which, with the exception of a part of a paragraph, (the circumstances of which paragraph I have already explained,) I believe to be correct, upon the information I have received from different Chiefs, and other Indians, in the Nation.

Some parts of the interrogative I can say nothing about, as I know nothing about them. As it respects Colonel Crowell being the instigator of the murder of McIntosh, I can only state that I do not believe it for two reasons : 1st, The principal Chiefs in my neighborhood deny it in the most unequivocal terms ; 2d, After the Agent met the Indians, and informed them that the treaty was ratified, some of the Indians called at our place, and declared that the Agent and they had not been friendly all the meeting : for that the Chiefs had quarrelled with him all the time.

With regard to any further inquiries about the letter, I cannot answer them, as it is before the public.

L. COMPERE.

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No. 38.

*Rev. W. C. Hill's statement.*

ASBURY, June 29, 1825.

Major ANDREWS :

SIR : I would say, with respect to the United States' Agent, Col. Crowell, my knowledge is quite limited, (having been here but a short

time); but, in compliance with your request, I state, from all that I have seen or heard, I do not believe that he was the cause of General McIntosh's death, or any other Chief who was killed at the time he was; but for a violation of a law of the Nation, as expressed by the Chiefs themselves.

Yours, respectfully,

W. C. HILL.

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No. 39.

*Affidavit of William Scott.*

GEORGIA, Baldwin County.

Personally appeared before me, Wm. Scott, of Jasper county, merchant, who, being duly sworn, says, that this deponent was present at the Indian Springs, three days, during the week of the treaty; that, while there, he frequently heard Captain Rolly McIntosh, brother of the General, Captain Joe Marshall, and others, of the Indians, say that they were not disposed to part with the land, and were opposed to the measures taken to dispose of it; and Joe Marshall stated to this deponent, particularly, that the land was gone, and he regretted its loss: this was said before the treaty was made. And this deponent further says, that he is generally acquainted with the Indian character, and somewhat with the Indian tongue; that, being in the habit of trading with the Creeks for upwards of twenty years, this deponent believes himself able to form a correct opinion in relation to their disposition on the subject of McIntosh's conduct; that, at a talk at Kennard's, after the treaty of 1821, much dissatisfaction prevailed among the Indians, and threats were then made against McIntosh.

And this deponent further says, that, from this deponent's knowledge of the character of the Creeks, and a variety of indications on their part, induces him to believe that, if it had not been for Governor Troup's interference in sending into the nation, and requesting permission to survey their lands, and if McIntosh had not granted the permission, and, also, for the whites to come into the nation and purchase the Indians' stock and reserves of plantations, he would not have been executed; for, although there was much dissatisfaction prevailing among the Indians in consequence of the treaty, yet this deponent does not believe that would have caused his death so soon as it did take place. And this deponent further says, that the survey of their lands they have always looked upon with marked disapprobation; they viewing the stretching of a surveyor's chain across their land, as an actual dispossession of it.

WILLIAM SCOTT.

Sworn to, and subscribed, before me, this 8th June, 1825.

GEORGE G. MILLER, J. P.

**GEORGIA, Baldwin County.**

We the undersigned do hereby certify, that we have been intimately acquainted with William Scott, of the county of Jasper, for a number of years, his character is fair and unimpeachable, and we do not hesitate in saying that we would believe him on his oath in as Court of Justice, as soon as any other individual in the State.

J. W. BURNEY,  
DAVID ADAMS,  
O. H. KENAN.

June 11, 1825.

Col. J. W. Burney, is now a Senator in the State of Georgia, from Jasper county. David Adams, and O. H. Kenan, are now both of the House of Representatives of Georgia. Mr. Adams was last year, the Speaker of the House, and O. H. Kenan, was a member of the Committee of Investigation as well as Colonel Burney.

T. P. ANDREWS, *Agent*.

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No. 40.

*Affidavit of O. H. Kenan.***GEORGIA, Monroe County.**

Personally appeared before me, Owen H. Kenan, who, being duly sworn, deposeth and saith, that, some short time previous to the meeting of the Creek Indians at Broken Arrow, he had a conversation with General William McIntosh upon the subject of the Indians disposing of their land, in which conversation, the General distinctly stated, that it was not the wish of his people to sell any more; that they had not more than they wanted themselves. The week previous to the meeting of the Indians at the Indian Springs, he again had a conversation with General McIntosh in Milledgeville, and the General stated that he was going on to see General Jackson, to ascertain if he would protect him from the Indians; that they had understood he wanted to sell their land, and they wished to kill him. After the treaty had been concluded, General McIntosh did not return to the nation, but went to Milledgeville, for the purpose, as this deponent understood, to get the Governor to protect him from the other Indians; and he further understood, that the Governor had promised him protection. The day after the conversation at the Indian Springs, Joseph Marshall stated to this deponent, that it was not his wish, nor the wish of the Indians, to sell any of their land, and inquired of this deponent, if the white people would take it from them.

O. H. KENAN.

Sworn to, before me, this 20th day of June, 1825.

WILLIAM HANCOCK, *J. P.*

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No. 41.

*Affidavit of Dr. M. Bartlett.*

I was in company with Chilly McIntosh a considerable time, on the evening of his arrival in Milledgeville, after the death of his

father. From the manner in which he related that event, I thought he meant to give the impression, that the killing of McIntosh and Tustunnuggee, was the act of the body of the nation who were opposed to the treaty. He was asked, in my hearing, "who he supposed was at the head of the business? (or a question of similar import,) and he answered, "he did not know; the hostile chiefs done it." I did not hear him mention the Agent's name as being in any way concerned in the transaction, until after he had been in town a day or two. In the mean time, insinuations were made by those unfriendly to the Agent, that he was the instigator of the disturbances among the Creeks, and Chilly was brought up to testify to the fact. It was remarked by myself, as well as others, that Chilly must have received additional particulars since his arrival in Milledgeville, for that he told his story better. He made no hesitation now in laying the blame on white men. It was my firm belief, at that time, that his opinion of the Agent's interference was formed after his arrival in Milledgeville.

**MYRON BARTLET.**

Sworn to, and subscribed, before me, this 14th June. 1825.

**VINCENT E. VICKERS, J. P.**

No. 42.

*Affidavit of William Hemphill.*

**GEORGIA, Baldwin County.**

Personally appeared before me, Wm. Hemphill, of Twigs county, planter, who, being duly sworn, says, that this deponent was travelling through the Creek nation, in the month of October last; that he camped a night at or near a number of Indians, and the subject of selling their land to the white people came up, when Barnett said that they did not intend to sell, and a white man remarked that McIntosh would sell it; when the Indians said he, McIntosh, had frequently speculated upon, and cheated the Indians, and that they would kill him; this they repeated frequently, and with great rage. This conversation was after the Indians had been notified to attend at Broken Arrow, to meet the United States' Commissioners, for the purpose of treating with them for their lands, in December, 1824.

**WM. HEMPHILL.**

Sworn, and subscribed to, before me, this 8th of June, 1825.

**ROBERT GLENN, J. I. C.**

No. 43.

*Affidavit of Laird W. Harris.*

**GEORGIA, Baldwin County.**

Personally appeared before me, Appleton Rossetter, Laird W. Harris, who, after being duly sworn, deposeth and saith, that he was at the Indian Springs for several days pending the treaty. Saw the

Agent, Col. Crowell, in conversation with several Indians, said to be leading men of the nation, amongst whom, Rolly McIntosh came to the Agent's room, when Col. Hambly (the Interpreter) was requested to ask him, if he was disposed or willing to sell the land, or treat for lands on the Arkansas; to which he, McIntosh, replied, through the Interpreter, as nearly as I can recollect, that he was not so disposed; that he had visited that country, and had hunted there three seasons; that the musketoos were very bad, and the country was sickly, the Indians very hostile; that he had very narrowly escaped from them with life, two or three times; that he had been sick himself, and came near dying: to which the Agent replied, that, from the map of the country, there was parts which was represented as mountainous, and there was no doubt with him, that they might have their health among those mountains, and have ample hunting ground on the plains below; and he would go with them, and be their friend, or words to this import.

I lodged in the Agent's room several days and nights, and all that was said by the Agent, in my hearing, was to induce the Indians to sell their lands:

LAIRD W. HARRIS.

APPLETON ROSSETTER, J. I. C.

June 12th, 1825.

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No. 43.

*Affidavit of Luther Blake.*

GEORGIA, Baldwin County.

Personally appeared, Luther Blake, before me, and, being duly sworn, says, that he has been in the Indian nation about two years; that, during that time, he has had an opportunity to become somewhat acquainted with the Indian character, customs, and laws, and particularly acquainted with the official conduct of Col. Crowell, as Creek Agent; that, from his knowledge, derived from a daily intercourse with the Indians, of the dispositions of the Chiefs and head men of the nation, witness states that Colonel Crowell has their full confidence; that they have a rooted hostility to any proposition concerning the sale of their lands, or an exchange of their territory; that he has had frequent conversations with them upon that subject, and upon the subject of McIntosh's execution, since his death; that, in relation to the selling of their lands, witness does not believe it to be possible, except by actual force, to remove them from the soil they occupy; that this opposition has been of long continuance, and the result of a determination formed in full council of the nation, as he has been informed by almost every Chief and head men of the nation; and witness does not believe, that the Agent, Col. Crowell, contributed, in any degree, to this determination: for, in every conversation (and they have been many) which the Agent has had with the Chiefs on this subject, in the presence and hearing of the witness, the Agent has uniformly advised them to comply with the views of the General Government, and exchange their lands for those across the Mississippi;

and that, in these conversations, Col. Crowell also expressed it as his decided conviction, that it would be best for them to go across the Mississippi : for they were now surrounded by white men, who would never let them be at rest, until they had their lands. Witness states that these conversations took place as well before as since the meeting at Broken Arrow, in December last. Witness states that he was present at the meeting of the Chiefs of the nation with the United States' Commissioners, at Broken Arrow, in December last; that during that meeting, the Agent was almost continually with some one, or both of the Commissioners, or some one attached to their commission, and never, as this deponent has every reason to believe, had any intercourse with any of the chiefs during that time, separate and apart from the Commissioners; that the Commissioners were absent at Cowetaw, and at Chilly McIntosh's; to the latter, of which place, one of them, Col. Campbell, used frequently to resort, and where he usually met Gen. McIntosh, Joe Marshall, and some others, in their interest; that so frequent was he absent at that place of a night, that it became a subject of remark; and these frequent visits created much distrust and suspicion among the Chiefs and head men in council, at Broken Arrow; during the first days of the meeting at Broken Arrow, he delivered the written talks of the Chiefs, and, during the meeting, the suspicion was so strong against McIntosh, that he became alarmed for his safety, and run away to Cowetaw at night, and never came back again, where the Commissioners went to see him, as witness understood and believes; that witness was present at the council at Broken Arrow, when he heard Col. Campbell state, among other things, that, if they did not consent to sell their lands to the Commissioners, Georgia would divide the country into counties, and extend their laws over the Indians, and that they must make up their minds, either to sell or come under the laws of Georgia; that they might take their choice.

In regard to the death of McIntosh, witness was in the vicinity of Broken Arrow, occasionally, for several weeks after the making of the treaty at the Indian Springs, in February last; that he was in almost daily intercourse with the Chiefs and head men, and never heard of their meditating the death of McIntosh, nor did he know any thing of it, until after he was executed; nor does witness believe that any white men, except Hutton, knew any thing of it until after it had taken place; that, before the said meeting at Broken Arrow, and since, but before the signing of the treaty at the Indian Springs, witness has frequently heard Chilly McIntosh, Joe Marshall, Ben Marshall, Rolly McIntosh, John Kerr, (whose Indian name is Talassee Hajo,) Sam Miller, Charles Miller, Col. Wm. Miller, Josiah Gray, Alex. Lasby, and others, who signed the treaty at Indian Springs, in July last, say that no land would ever be sold, because it was the law of the nation, that the first who proposed it, should be killed. From all the head chiefs, witness has often heard the same declaration, before and since the meeting, aforesaid at Broken Arrow.

Witness further states, that he is acquainted with James Moss, and has repeatedly heard him say, that he knew nothing respecting the



Agent to his prejudice, and the last time he heard him say so, was on the 6th of July inst. although at the same time, witness has every reason to believe, that Moss is secretly hostile to Col. Crowell, and would go all lengths to injure him; that, a few days after John A. Peck had given his to the Commissioners of Georgia, witness had a conversation with him, in relation to the subject-matter of the testimony, when said Peck remarked that he had sworn to nothing to the prejudice of the Agent, Col. Crowell; that he did not recollect what he did swear to, and desired witness, on his return, to call on Col. Seaborn Jones, one of the Commissioners, who took his testimony, and obtain a copy of it, and send it to him; witness further says, that he does verily believe, that Henry Finch is secretly hostile to Col. Crowell, and would not hesitate to injure his reputation and standing in any way: the reason of this belief of witness, is derived from the many declarations and insinuations made by said Finch to witness, and in his presence, and, afterwards, acknowledging them to be untrue, when confronted with others.

Witness further says, that he was present at the Creek Agency, Flint river, on the night when Maj. James Meriwether arrived there, on his way to Broken Arrow, in Nov. last; that Col. Crowell had arrived a day or two before from Savannah, where he had been to attend the trial of Stinson. On the day of Meriwether's arrival, but before he arrived, the Western mail arrived, which brought the Montgomery paper, containing the Tuckabatchee and Pole Cat Spring proceedings; witness himself took the paper out of the bag, and gave it to Colonel Crowell; upon the Colonel's reading the paper, he remarked, I will preserve this and hand it to the Commissioners when they should arrive; a few hours afterwards, Major Meriwether arrived, and, at supper, Col. Crowell mentioned these proceedings of the Tuckabatchee and Pole Cat Springs to Major Meriwether, and, after supper, handed the paper containing them, to him. Witness has no hesitation in saying, from what he knows, that the death of McIntosh and the others, was occasioned by their violation of a law of the nation; and he is equally confident that the order for their execution, was a secret one, issued to a head chief of one of the Upper Towns, to be executed; that the reason of this secrecy was to prevent the escape of McIntosh, as witness has since understood from the principal Chiefs. Witness further states, that the statement made by himself and Benjamin B. Merrill, herunto annexed, and dated 31st May, 1825, is, in all its parts true.

LUTHER BLAKE

Sworn to, before me, this 19th July, 1825.

APPLETON ROSSETTER, J. I. C.

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MILLEDGEVILLE, May 31st, 1825.

I, Luther Blake, do certify that this is a conversation I had with Col. William Miller, one of the Chiefs of the Creek nations of Lu-

dians now at this place ; on the twenty-ninth instant, he stated to me, after my advising him to go back to the nation, and return to his usual occupation, that Governor Troup had advised them to remain here, and not to return, until they had revenge for what had taken place. Upon my assuring him there was no danger, and that he would not be injured, he stated that Governor Troup was their friend, and that he had advised them otherwise, and that they had Gov. Troup's promise that they should be paid for all the injury they had sustained in their property.

LUTHER BLAKE.

I do hereby certify that the above conversation took place in my presence.

BENJAMIN B. MORRILL.

No. 44.

*Affidavit of John H. Peck.*

THE STATE OF ALABAMA, }  
Montgomery County. }

*Interrogatories propounded to John A. Peck, on the part and behalf of John Crowell, Agent for the United States to the Creek Indians.*

1st. Are you acquainted with John Crowell, Agent, as above stated ?

2d. Did, or did you not, reside with the said Crowell, at his residence in the Creek nation ?

3d. How long did you live with the said Crowell, or in the same house with him ?

4th. Were you not on very intimate terms with said Crowell, and had you not a great deal of very confidential conversation with him in relation to the Indians, his duty as Agent, his views about the Indians selling their land, the conduct of said Crowell during the first treaty, as he had informed you, or otherwise knew ?

5th. What have you heard said Crowell tell said Indians about selling their land ?

6th. State your opinion generally about his conduct as Agent during your stay with him, and whether you believe the same to have been correct or not ; and whether or not, he did always evince a disposition to discharge his duty correctly, as well to the Government as the Indians.

7th. State if the said Crowell did not after the first treaty, advise the Indians to sell their land, and if, as you believe, it was his wish they should do so ?

8th. Say whether it is your opinion that said Crowell advised the killing of McIntosh, and the other Indians that were killed, or whether or not, you believe he knew that the Indians had it in contemplation before the act was committed ?

9th. Were you at Broken Arrow at the first treaty, and were you not acquainted with the Indians that generally attended the treaty ?

if yea, state if you believe they were influenced by the Agent not to sell their land, and what was his conduct while at said treaty.

10th. Were you, or were you not, present at several annuities, or when the said Crowell, as Agent, paid the Indians their dues from the General Government? if so, say if the same was not always paid in money.

11th. Is the said Crowell concerned or interested in any trading establishment in said nation?

12. Did you, or did you not, see or hear William W. Williamson, or one of the Commissioners on the part of the United States, offer William Hambly, or some other person, a bribe to influence him to get the Indians to sell their land?

THE STATE OF ALABAMA, }  
Montgomery County. }

*Answers of John A. Peck, to the interrogatories of John Crowell, Agent to the Creek Indians on the part of the United States, taken and sworn to before me, the undersigned Justice of the Peace, in and for said county.*

To the 1st Interrogatory he answers, he is.

To the 2d. he answers and says, that he resided at the same boarding house with the said Crowell, and was in his employ.

3d. He says he was in the employ of the said Crowell, from the 5th of February, 1822. until the month of April last; most of which time he resided with him.

4th. He answers and says, that he lived on intimate terms with said Crowell, and frequently had confidential conversations with him, a great deal of which related to the Indians; he always said, he thought it was best for the Indians to sell their lands; and have frequently heard him advise some of their leading men to do so, and go West of the Mississippi, where he believed they would find as good, or a better country than they then had, and that he also believed, that they would be provided for and protected by the General Government.

5th. He states is answered in his answer to the 4th.

6th. As far as he knows, and from what he believes, he says his opinion is, that said Crowell did discharge correctly, as Agent, his duty: he always appeared disposed and anxious to discharge his duty to the General Government, and to act correctly towards the Indians.

7th. He answers and says, he did in General Council, and for which he was very much blamed by the Indians, and accused of not being friendly to them.

8th. He answers and says, that his opinion is, that Crowell had no knowledge of the Indians intention to kill McIntosh and the other Indians; neither does he believe the said Crowell advised, or was any way knowing or concerned in having the same done.

9th. He answers and says, he was at Broken Arrow at the treaty, and was acquainted with the leading men and chiefs, and wrote for

them at that time. He believes that they were not influenced by said Crowell's advice not to sell their lands ; neither does he believe he attempted to advise them not to do so ; he believes said Crowell's conduct, as far as *he knows*, to have been in strict accordance with his duty.

10th. He answers and says, he was at one or two annuities or payings of the Indians. He says that said Crowell, when he saw him, always paid them in money.

11th. He answers and says, that he dont know that he was ; neither does he believe he was.

12th. He answers and says, that all he heard, was that William W. Williamson observed, in his presence, that Hambly was a fool if he did not use his influence in getting the Indians to sell their lands ; for it would be equal to six or eight thousand dollars in his pocket, or something to that effect ; which conversation took place at Moss' Stand, in the nation.

JOHN A. PECK.

Sworn to, and subscribed, before me, this 5th July. 1825.

A. McBYDE, J. P.

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No. 44.

*Affidavit of John Buchanan.*

**CREEK AGENCY.**

Personally appeared, John Buchanan, before me, Thomas Triplett, acting Agent of Indian Affairs. who, being duly sworn, says : That he was at Broken Arrow during the whole period of the meeting between the Chiefs and the United States' Commissioners, in December last, except the two or three first days ; had an opportunity of witnessing the conduct of Colonel Crowell on that occasion ; saw nothing in his conduct or conversation that induced a belief that he was opposed to a cession of lands by the Indians. Witness states, that he has lived upon the frontiers of Georgia nearly all his life, and is somewhat acquainted with the character and customs of the Creek Indians ; that, about a year ago, has frequently heard among the Indians, that there was a law of the nation, prohibiting, on pain of death, any Indian from offering to sell any land without the consent of the whole nation ; understood that this law, that was made on the bank of the Ocmulgee. was revived at the great meeting in July, 1824, at Broken Arrow ; understood that General McIntosh was present at the reading of the law.

That, during the meeting at Broken Arrow, in December last, witness slept in the room with Captain Walker, who was sick, and confined to his room during the time. He took no part, as far as witness discovered, except he heard him say to the Indians that came to see how he was, that it was best for the Indians to exchange their

lands, and move across the Mississippi; and, provided they sold any, to make a general exchange.

Heard that in consequence of his having private interviews with the Commissioners, or some of those in their employ, concerning the treaty, that McIntosh had been threatened by the Indians to be killed, and would have been killed if he had not run away at night; heard this both from Indian countrymen, and Indians at Broken Arrow; and witness verily believes, that he was killed for signing the treaty, and for a violation of the law. Witness says, that he is particularly acquainted with Colonel Crowell, and, from his knowledge of him, and the manner he has discharged his official duties, witness verily believes; that he is a faithful public officer, and worthy of his trust. Witness states, that he has been long acquainted with James Moss, and that from his personal knowledge of Moss's general character, he would not believe him on his oath; knows him to be secretly the enemy of Colonel Crowell, and has no doubt that Moss would not hesitate to resort to perjury to injure him. From conversations with Henry Finch, witness verily believes that he is extremely hostile to Colonel Crowell. That it was understood, while at Broken Arrow, that frequent private interviews were held between the Commissioners and those in their employ, and McIntosh, at Chilly McIntosh's house; and that the Commissioners had some person at work with McIntosh all the time.

JOHN BUCHANAN.

Sworn to, and subscribed, before me, this 9th July, 1825.

THOMAS TRIPLETT,  
*Acting A. I. Off.*

Witnesses,

T. P. ANDREWS, *Special Agent*,  
LUTHER BLAKE.

No. 45.

*Affidavit of Lysander Burdick.*

CREEK AGENCY,  
Flint River, Indian Nation. }

Personally appeared Lysander Burdick, before me. Thomas Triplett, Acting Agent of Indian Affairs, who, being duly sworn, says: That he has been mail carrier between Milledgeville and Chatahoochee, about four years, and, for the last year, has constantly carried the mail between this place and Chatahoochee, during which time he has been much with the Chiefs of the nation, and in the company of Colonel Crowell; knew nothing respecting the intended death of McIntosh, nor the intention of the Chiefs in relation to his execution. Witness does not believe that any white men in the nation knew any thing on the subject, until after it had taken place, except Hutton; the reasons for his belief are, that he has often since heard

some of the Chiefs say that no white man but Hutton knew any thing of the intended execution : that he has never seen any white man in the nation who intimated that any did know of it ; and that witness is confident, that, if such had been the case, he should have known of it. Witness further states, that he is well acquainted with James Moss and Henry Finch ; has often heard Moss say that he knew nothing against the Agent, Colonel Crowell ; that he could state nothing to his prejudice ; has heard Moss further say, that Colonel Williamson had promised him that he, Moss, should have a reserve of a mile square of land, and that he was to meet Williamson at the Indian Springs at the time of the treaty, and that Chilly McIntosh went with him to show him the good land on the Chatahoochee, and that he, Moss, had marked it off. I took it, that this was for his influence in procuring a treaty for the Indians ; this has ever been the burthen of Moss's *chat*, whenever he and witness has been together. That, latterly, witness believes, from the many conversations he has had with Moss, that he is hostile to Colonel Crowell ; and witness, from his knowledge of Moss's character, does believe that he would go all lengths to injure him. Witness also knows that Henry Finch entertains many malignant feelings against Colonel Crowell. From what witness has heard the Indians say, when speaking of Colonel Crowell, witness is prepared to say, that he has their confidence, and he has never heard them say any thing concerning the Agent, but what was in his favor.

LYSANDER BURDICK.

Sworn to, before me, this 9th July, 1825.

THOMAS TRIPLETT,  
*Acting A. I. Off.*

Witnesses,

T. P. ANDREWS, *Special Agent*,  
JOHN BUCHANAN,  
LUTHER BLAKE.

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No. 46.

*Affidavit of John Winslett.*

PRINCETON, *Indian Nation.*

Personally appeared John Winslett, before me, Thomas Triplett, acting Agent of Indian Affairs for the Creek nation, who, being duly sworn, says : That he has resided in the Creek nation since September, 1811, during which time witness has become pretty well acquainted with the character, customs, and laws, of the Creeks ; was present at Broken Arrow during the whole meeting between the Chiefs and the Commissioners, in December last ; had an opportunity to judge of Colonel Crowell's conduct and disposition in relation to the selling of the land ; never saw any thing in the least degree which could induce a belief that he was opposed to a cession of

lands, and saw nothing that conflicted with his duty to the Creek nation and the United States; he always, according to the best of witness' knowledge and belief, dealt justly by both. Witness understood at Broken Arrow treaty, that a party of Indians were way-laying McIntosh to kill him for attempting to sell the land; they suspected him in consequence of hearing a private conversation between him and the Commissioners. McIntosh made his escape in the night, out of a window, and went to Cowetaw, and did not return at all. Was present at the Indian Spring treaty. General McIntosh came to where witness was, sat down, and, looking witness in the face, asked witness, "Are you my friend?" Witness replied, that they had always been friendly. McIntosh then said, I can sell the land for most a million of money; I shall then have plenty of money, and can go across the Mississippi. Was present when the treaty was read; understood that the United States were to give five hundred thousand dollars to boot, acre for acre, West of the Mississippi, *four* hundred thousand dollars for payment of provisions and transportation, *two* hundred thousand dollars after the ratification of the treaty, and *one* hundred thousand dollars in September, 1826.

At the time McIntosh put his name to the treaty, one of the Head Chiefs reminded him of his being about to break a law which had been made by the nation, and warned him of the consequences that would inevitably result from it; and, from witness' knowledge of the Indian character and customs, he has no hesitation in saying, that that act alone was the cause of his death, though it was accelerated by the interference of the Governor; and so far from believing that the Agent instigated his death, or was instrumental in it. I verily believe all his influence, had he known of it, could not have prevented it. That two of the Head Chiefs, Hopoye Hajo, and Little Prince, who is the Head Chief of the nation, told witness that McIntosh was executed by order of the Council of the nation; that it was a matter of their own; that no white man knew any thing about it; that he was put to death for violating a law of the nation; that, since the treaty of 1821, the Indians have been jealous of McIntosh, and looked upon him with distrust, and it was with considerable difficulty that he was forgiven for participating in that act; but McIntosh was forgiven for that act in consequence of saying that the nation was in debt to Georgia, and that was the cause of the treaty of 1821; and that any man should die who should thereafter offer to sell.

Witness' reasons for believing that the interference of the Governor hastened the death of McIntosh, are, the excitement produced among the Indians by the Governor's proclamation convening the Legislature, and McIntosh's letter to the Governor giving permission to survey the land. Much distress and consternation prevailed among the Indians when they were apprised of these facts.

Was present when the treaty was read and interpreted; does not recollect of hearing the 5th article interpreted, that the \$200,000 was to be paid to the Indians by the present Commissioners, at the

request of the Indians; thinks and believes, if it had been interpreted, he should have recollected it. That, previous to the treaty, he had supposed that the several propositions contained in the treaty would be submitted to the Indians in Council. That witness attended particularly to passing events, and is confident that the several articles were never presented to the Indians in Council; but that it was privately arranged between McIntosh and his friends, and the chiefs knew nothing of the provisions of the treaty until it was presented for signature. Is, therefore, certain that the remark of the Commissioners, that the chiefs that went off the night before the signing of the treaty had assented to it, is unfounded and untrue. Witness is strengthened in this belief by the uniform denial of those chiefs that any assent, implied or express, was ever given. Witness views the treaty, to be an unfair one, obtained by unfair practices, and purchased by bribery and corruption. Witness was present when the Indians first shook hands with General Mitchell, as their Agent, on the West bank of the Ocmulgee; there he heard the law first proclaimed, that no land should be sold by any chief, without the consent of the whole nation in Council. Witness has had an opportunity of becoming particularly acquainted with the estimation in which all the Indians hold Colonel Crowell, as Agent. The uniform justice that has always marked his official acts and conduct, has induced the most perfect confidence, on the part of all the Indians, except McIntosh, and a few others under his influence, in Colonel Crowell's conduct. The cause of Mc'Intosh's opposition to Colonel Crowell is, that, during the time of General Mitchell as Agent, McIntosh had the control of the funds, and, in certain matters, was, in fact, the Agent. When Colonel Crowell became Agent, he refused to allow McIntosh to have any control of the funds; in consequence of which, McIntosh disliked the Agent, and did all he could to oppose him. That the Agent always treated McIntosh with attention and with justice, and appeared to desire to conciliate him, by treating him with distinguished attention on all occasions. Witness further states, that he (witness) was so anxious that the Indians should sell the land, that he used all his influence to effect a sale on fair terms; was friendly to McIntosh, and coincided with McIntosh that it would be best to sell. Witness also states, that he never paid Colonel Crowell any money, for any purpose whatever. This last remark is intended to apply to an observation of Wm. Bowen.

JOHN WINSLETT.

Sworn to, before me, this 29th June, 1825.

THOMAS TRIPLETT, *Acting Agt. I. A.*

Witnesses:

E. P. GAINES, *Major General*,  
 DRURY SPAIN,  
 JESSE WALL,  
 NIMROD DOYELL,  
 T. P. ANDREWS, *Special Agent.*



No. 47.

*Affidavit of Jesse Wall.***PRINCETON, INDIAN NATION.**

Personally appeared Jesse Wall, before me, Thomas Triplett, acting Agent of Indian Affairs for the Creek nation, who, being duly sworn, deposeth and says, that he has resided about two years in the Creek nation; that he has acted as Marshal for the nation since that time; was present at Broken Arrow, in December last, during the time the Commissioners were endeavoring to effect a treaty, and acted as Marshal to the Council. That he knows of nothing in the conduct, manner, or conversation, of Colonel Crowell that manifested that he was opposed to the Indians disposing of their land, nor does he believe that such opposition of Colonel Crowell existed; but, on the contrary; he has often heard the Agent say, that it would be better for the Indians to remove, and get out of the way of the troublesome white people. Never knew, nor does he believe that Colonel Crowell ever held secret meetings with the Indians in the square, or elsewhere, in relation to the treaty, or for any other purpose. Believes if such had been the fact, he should have known of it. Has frequently heard the Indians say they were well satisfied with their Agent, and liked him better than any they ever had, except Hawkins, for that the Agent always paid them their annuities in money. From witness's knowledge of Colonel Crowell's official conduct, he is prepared to say, that he believes Colonel Crowell treated the Indians all alike, and with justice; that he believes him to be a faithful public officer, and worthy of his trust. Has often heard the Indians say, that the reason why McIntosh fell out with the Agent, was because the Agent would not permit McIntosh to have the control of the funds; but always distributed the money himself: for which reason, they said, they liked him the better. Has frequently seen McIntosh and Col. Crowell together, and has remarked that McIntosh was treated friendly by the Agent, and often invited by him to drink and eat with him, and would often send to the Agent for the newspapers, and, notwithstanding the opposition of McIntosh, he never saw any difference in the conduct of the Agent towards him; if any thing, the Agent appeared to pay more attention to McIntosh than others of his grade. Witness believes that, after the ratification of the treaty was known, and McIntosh's letter to Governor Troup, they would have executed him for a violation of the law. Heard the law read in Council, that the first Chief who should offer land for sale, should be put to death. Thinks this was in July last. Understood from the general talk of the Indians, that they did not believe McIntosh would ever come into the nation again, as he knew the consequence of his conduct. Witness does not believe that McIntosh would have trusted himself in the nation, if it had not been for Governor Troup's interference. Witness does not believe that Colonel Crowell knew of the intended execution of McIntosh, or had any hand in bringing it about. About the ratifica-

tion of the treaty, there were from ten to fifteen camps in the vicinity of witness's residence. When the news arrived of the ratification of the treaty, much distress prevailed, and much sorrow expressed. Heard them say that the land was not sold by the nation, but by McIntosh, and the Cowetaus; and that, as they did not sell any land, they would not receive any money.

JESSE WALL.

Sworn to, before me, this 28th June, 1825.

THOMAS TRIPPLETT, *Acting Agent, I. A.*

Witnesses :

T. P. ANDREWS, *Special Agent,*

WM. HAMBLY,

NIMROD DOYELL,

E. P. GAINES, *Maj. Gen. Com.*

J. A. HASCOLL,

DEURY SPAIN.

No. 48.

*Affidavit of Nimrod Doyell.*

PRINCETON, INDIAN NATION.

Personally appeared before me, Thomas Triplett, acting Agent of Indian Affairs for the Creek nation, Nimrod Doyell, who, being duly sworn, says, that he has resided in the Creek nation about five and twenty years, during which time he has acquired a perfect knowledge of the character, laws, and customs, of the Creeks, and an imperfect knowledge of their language. Was present during the Council at Broken Arrow, at which the United States' Commissioners endeavored to induce the chiefs to dispose of their land. Was present in the Council, during the various talks concerning that subject, in the month of December last. That McIntosh was appointed to give the written talks of the Indians, which were signed by himself and some other chiefs. The chiefs, becoming jealous of him, said he should not be their Speaker any longer; and McIntosh told witness himself, that they had placed another in his place so soon as the proposition was made to continue the talks verbally; the cause of this suspicion was, that he, McIntosh, was holding secret talks and meetings with the Commissioners. McIntosh told witness that they had made him mad by putting another in his place, and he would sell the land to the Commissioners. Upon being informed, by witness, that much distress would be the consequence, McIntosh replied he did not care; that three thousand dollars in the pockets of his friends, would take them any where. McIntosh also asked witness if he had any powder, and, upon being answered in the affirmative, he said: well, keep your gun in order, and when you hear a fuss, come to my house. A little after, he went to Cowetau, in the night, and did not come back again. The Commissioners went to Cowetau to see him, as it was well understood; they went one day, and came back again the next day; the conversation with McIntosh was before he went away.

At the council held some time after the treaty of 1821, he, McIntosh, proclaimed the law, which had been sanctioned in council, that any man who should sell land, should be killed by the law; that the treaty of 1821 was made because the nation was in debt; but that now being out of debt, the law should be enforced; that each person should pay a tax of twenty-five cents, and should go to work; and they must not complain how big a field of corn they made. That, in the verbal talks of the Commissioners, they threatened the council that, if they did not comply with their demands, the Georgia people would extend their laws over the nation. The Little Prince said that the President would protect them, and would do justice to his red children; that they had no lands to sell, and, if they did not believe him, they might appeal to the chiefs in council. Some of the chiefs said they had the same talk to give as the Little Prince, and none objected to the talk. Before the council commenced, there was a Mr. Bailey down at Chilly McIntosh's; he asked witness to go up stairs and take a drink; he then asked witness if he was a poor man; witness answered he was; he then said that witness could have three thousand dollars if he would use his influence with the chiefs to get the land; he further said to witness, that he must not let his left hand know what his right hand did. Witness replied that he was a poor man; that three thousand dollars would not do him much good; did not think he had much influence; that he would accompany the Indians if they went across the Mississippi. Much other *chat* took place between them, to much the same import. This man Bailey, was in the employ of the Commissioners. Another man, by the name of Stroud, who lives at the Flat Shoals, on Flint River, also came to witness, and also offered witness three thousand dollars for his influence. Stroud was sent for Col. Campbell's brother, whom he could depend upon. Stroud also inquired of witness who could bring Poethleyoholo over, (the Tukabatchee chief;) witness said he did not know, but finally sent him to a man by the name of Samuel Srells. Witness gave Major Meriwether to understand that he was acquainted with the course pursued by the Commissioners; that it was dishonorable; that he, the witness, knew his father, and should be sorry if (as he was afraid) the Commissioners would disgrace themselves. Was at the council, and the residence of Col. Crowell, during the time it was in session, at Broken Arrow, in December last; that he never saw, nor does he believe, that Colonel Crowell ever threw any obstacles in the way of the treaty or Commissioners; but, on the contrary, Col. Crowell inquired one day of witness, if the Indians would sell the land, and added, he thought they had better sell at once, as the white men would always plague them for it. Witness is prepared to say, that Col. Crowell has the confidence of the Indians. Witness has been present when the annuities have been paid, and the Agent uniformly paid the chiefs, according to instructions to the several chiefs, in cash.

The Indians have frequently remarked the different mode of paying their annuities by Col. Crowell, and the late Agent, General Mit-

chell; the former always paid in cash, while the latter wanted in goods. Frequently saw McIntosh with the Agent; he was treated well by the Agent; saw no distinction in the treatment of him and other chiefs of his grade. Witness states, that, when the news of the ratification of the treaty arrived, and was known to the Indians, it created great distress and consternation, and they all, within his observation, quit their work. Witness states, that he never heard of the intention of the chiefs to put McIntosh to death, until five days after the party had started; that they were very secret about it, and when he was informed of it, he asked why the Indian did not tell him of it before; he replied that he was afraid witness would tell of it, but now it was over, and could not be prevented. Witness has heard the testimony of Elijah M. Amos, taken before the committee, read; that Mr. Amos is mistaken; he, the witness, did not act as marshal to the council at Broken Arrow, at the time mentioned by Amos; that it is the duty of the marshal only to remove white persons when intruding on the council; that witness is confident that he never had any conversation with Amos at all, during the council, (nor at any other time.) Agent and witness were unfriendly, because Agent turned witness off as marshal; states positively that Agent never gave witness the order mentioned by Amos in his testimony.

Witness was in Savannah at the trial of Stinson, in company with Stinson, McIntosh, and his half brother, who lives in Savannah. A conversation commenced among them in relation to the removal of the Agent, Colonel Crowell; when McIntosh's half brother inquired why the memorial had not been sent on with Mr. Caper's papers; that, if it had, Agent would have been removed, and then McIntosh's half brother would have been appointed Agent: which Gen. McIntosh remarked would do, because he could do with his half brother as he pleased. It was replied, that the reason why the memorial had not been sent on, the Big Warrior refused to sign it. The memorial above referred to, witness understands to have been drawn up by General McIntosh, and this information came from Chailey McIntosh. When witness returned from Savannah to the nation, he met with three Indian countrymen by the names of James Moss, Lewis Calfrey, and Henry Finch. Moss and Finch disclosed to witness a combination formed to have the Agent removed. The cause of this combination was, because the Agent would not let them trade without license. They said they wanted "free trade and sailors' rights." Moss and Finch were very anxious that witness should join them, and that Haynes Crabtree, also, belonged to the combination. These men manifested much smothered feeling of hostility and malignity towards Colonel Crowell, and witness has no doubt, from the temper and disposition then manifested, that they would avail themselves of the first opportunity to accomplish the object. Colonel Campbell, one of the Commissioners, during the meeting at Broken Arrow in December last, invited witness to come and see him, prepared paper, pen, and ink, and made many inquiries concerning the conduct.

of Colonel Crowell, and was very anxious to obtain from witness something to the prejudice of Colonel Crowell. He, Colonel Campbell, had understood witness was unfriendly with Colonel Crowell, was the reason why witness was interrogated by Colonel Campbell. But witness told Colonel Campbell that he knew nothing about the conduct of Colonel Crowell that would injure him. Bailey had an interview with the Little Prince, and wished witness to interpret for him. Bailey said his object was to bribe the Little Prince, and, after a short conversation between them, witness refused to interpret farther, and told Bailey it was of no use. On witness's return, Colonel Campbell inquired whether Bailey had given Little Prince a strong talk. Witness said that Bailey had talked pretty well, but could do nothing with him. Colonel Campbell expressed a wish that Bailey had succeeded. This took place at the meeting in December last.

NIMROD DOWELL.

Sworn to, before me, this 5th July, 1825.

THOMAS TRIPLETT, *Acting A. I. A.*

Witnesses:

E. P. GAINES, *Maj. Gen. Com'g.*

T. P. ANDREWS, *Special Agent.*

No. 49.

*Affidavit of Joseph Hardage.*

PRINCETON, INDIAN NATION.

Personally appeared, Joseph Hardage, before me, Thomas Triplett, acting Agent of Indian Affairs for the Creek Nation, and, being duly sworn, says: that he has resided in the Creek Nation between thirty and forty years, during which time he says he has acquired a perfect knowledge of the Indian character and customs, understands their language, and can talk with them, in the Indian language. Deponent states, that he has frequently had conversations with the Chiefs, from the highest to the lowest, except McIntosh, and they have always manifested the most perfect confidence in Col. Crowell as their Agent; this confidence was created from the uniformly correct deportment of the Agent generally, and particularly for the uniform faithful manner in which he distributed to them their annuities. From circumstances which have come to his knowledge, he does believe that the cause of McIntosh's opposition to Col. Crowell, was because Col. Crowell would not allow him to control the disbursements of the annuities, as he used to do under Gen. Mitchell. Another cause of McIntosh's opposition to the Agent is, in the belief of the witness, prosecuting Stinson, who came into the Nation as a trader, by the instigation of McIntosh, in defiance of the law of the United States, and without a license. He, the witness, does not believe that Col. Crowell ever gave McIntosh any just cause for opposition to him; and if he had acted

as the other Chiefs, there never would have been any dissatisfaction; has heard the Chiefs often say, that the Agent distributed the money to them to their entire satisfaction, and in a far different way to that of the late Agent, Gen. Mitchell, who was accustomed to pay a large portion in goods.

Witness was present at Broken Arrow during the time the Commissioners were endeavoring to effect a treaty last Winter; has had frequent conversation with the Chiefs and Indians, on the subject of the treaty; never heard that Col. Crowell was opposed to it in any way; nor does witness believe that he made one single effort against its accomplishment; witness was not in the council.

Witness was present at the Indian Springs during the time of the meeting to form a treaty; saw Col. Crowell there; was in the council, and heard the various talk of the Commissioners, the Agent, and the Chiefs; particularly recollects the talk of the Agent, who said to them, in substance, that the President desired them to sell their land and to go to the Mississippi; he said that he advised them to go; that they were surrounded by white men, and if they would all consent to go, he would go with them and be their friend, and that they would be more comfortable, and that the land would be their own; and he thought they had better go. Heard Poethleyoholo say, among other things, that they had no land to sell; that he had given them but one talk at Broken Arrow, and should give them but one talk there; that if they were disposed to sell, they could not, for his head Chief was not there. When McIntosh was going to sign the treaty, or had signed it, he, Poethleyoholo, said he could not consent; his old Chief was not there; he wished to part in friendship with the Cowetaws; I am going off said he; he then shook hands, and he and his party departed. He is acquainted with the head Chiefs of the nation; there were not more than two head Chiefs who signed the treaty. There is a head Chief for every town, and there are fifty-six towns in the nation. He knows that there are many who signed the treaty who were not Chiefs. Those who signed the treaty do not compose one-tenth of the chiefs and head men of the nation; and those that did sign, were under the immediate influence of McIntosh, and his party is very inconsiderable in the nation, composed of a few of the discontented ones. Does not believe that the Agent, Col. Crowell, knew of the departure of the *Cus-selaus*, and *Oscweeches* and *Parlacholos*, and *Sawocolos*, and *Enfaulas*, who went off at night before the signing of the treaty; but he believes they went off at the request of Poethleyoholo, from what he said. He does not believe they ever assented to the treaty, because they always said they did not intend to sign a treaty or sell their lands. Does not recollect whether the article of the treaty, directing the money to be paid them by the Commissioners instead of the Agent, was ever interpreted to them. He states he does know that the treaty was not a fair and honest treaty, made by the nation; and this knowledge is derived from the circumstances attending the transaction. That, from the conversation among the Indians who came home from the treaty, and other chiefs say, that they did not believe it would.

ever be ratified. Witness was present in the square when the annuity was paid in April last at Broken Arrow. The meeting was full. The Agent informed them the treaty was ratified : when they received this information, a great deal of consternation and distress prevailed among them. The Agent told them that McIntosh had given the Governor permission to survey the land, and had his letter to the Governor of Georgia explained to them ; they were very melancholy and sorrowful ; and, after some time, the Little Prince said, the chiefs of the nation had not given the permission ; that McIntosh had sent the same word to them ; that they knew nothing of it. The Council were very much excited against McIntosh—laid the selling of the land to him. Witness knows that the law, making it death for any chief to dispose of any land, was sanctioned at Broken Arrow before the treaty was signed. Witness has heard the head chiefs say that they held a Council, and appointed men to kill McIntosh ; that they said it was a piece of business of their own, and that no white man knew it, and that they particularly kept it from the Agent ; and witness does not believe that the Agent knew any thing of it until after the act was done. Witness further says, that he has been conversant with the conduct of the Agent for four years ; and, from what he knows, he believes Col. Crowell to be a faithful public officer, and worthy of the trust reposed in him.

JOSEPH HARDAGE, his x mark.

Sworn to, and subscribed, before me, this 28th June, 1825.

THOMAS TRIPLETT,

*Acting A. I. Off.*

Witnesses :

T. P. ANDREWS, *Special Agent.*

E. P. GAINES, *Maj. Gen. U. S. Army.*

J. A. HASCOLL,

DRURY SPAIN,

WILLIAM HAMBLY,

NIMROD DQYELL.

No. 50.

*Affidavit of Drury Spain.*

PRINCETON, *Indian Nation.*

Drury Spain being duly sworn, before Thomas Triplett, Esq. Acting Agent of Indian Affairs for the Creek Nation, says: that he is well acquainted with Jesse Cox, of Jones county, in Georgia ; that, when the said Cox, on his way to Alabama, put up for the night at Thomas Crowell's, this deponent also happened there, and staid all night ; that Col. Crowell was also there ; that he, this deponent, Col. Crowell, and the said Cox, were, during the evening, sitting together on the piazza ; that, when supper was announced, this deponent

and Col. Crowell went into the supper room; after a little, it was asked why Mr. Coxe had not come to supper? It was answered that he was taking supper, in another room, with his family. The said Coxe was not at the supper with this deponent that night. After supper was over, this deponent and Col. Crowell retired to the sitting room; there was no other person there, that deponent recollects. Presently, Col. Crowell said he would retire to his room, and went out with that view, and to his room. That this deponent did not see the said Coxe and Col. Crowell together, after supper; and did not see Coxe again that night; nor does he believe that he quitted his room that night, as he complained of being very tired. In the morning, this deponent rose about sunrise, and Cox had started for Alabama. This took place about the twentieth of April last. That this deponent has seen the testimony of Coxe, taken before the Committee of the Georgia Legislature; and he states, most positively, that he heard no such conversation or remarks from Col. Crowell as are attributed to him in the testimony of Coxe. Nor does he believe, from the above circumstances, and what follows, that any such conversation or remarks were ever made by Col. Crowell.

And this deponent further says, that, a few days after Coxe passed with his family to Alabama, a traveller stopped at this deponent's house, from Alabama, and, in the course of conversation, the traveller said, that a man from Georgia, by the name of Coxe, had stated, in Alabama, that Col. Crowell should have stated, in his hearing, the conversation contained in Coxe's testimony, before the committee. In the fore part of May last, Coxe stopped at this deponent's house, on his return from Alabama. This deponent then stated to Coxe, that a traveller had informed deponent that he, Coxe, had said, the Agent, Col. Crowell, in a conversation with him, Coxe, said, that "the Indians were damned cowards, and that the Agent hated them worse and worse; that he had once put down McIntosh, but the Big Warrior and Little Prince had reinstated him, and hoped the Big Warrior was in hell for it, and that Little Prince would soon follow." This deponent then asked Coxe, distinctly, whether he had said so, or had heard the Agent, Col. Crowell, say so, or any thing like it. To these questions, Coxe distinctly answered, he never had heard the Agent say any thing about the subject, but that he, Coxe, had said he had heard another man say so. And this deponent further says, that he was at Broken Arrow, when the United States' Commissioners were then seeking to make a treaty with the Indians; was intimate with Col. Crowell, staid in the tavern with him, and was often in his company; frequently heard him converse upon the treaty, and never heard any expression escape the Agent that he was opposed to the treaty; but, on the contrary, heard him frequently say he believed a treaty would be effected. From the language of Col. Crowell, as well as his deportment, this deponent was satisfied that the Agent was favorable to the project of the Indians selling their land. That it was understood that the United States' Commissioners had used threats to procure the treaty; and, among others, that, if the Indians did not consent to the treaty, the Governor of Georgia would



lay the land off into counties, and extend the laws of Georgia over them.

And this deponent further says, that he has always believed that the Agent had the full confidence of the Creek nation, except McIntosh. The reasons of this are these: that he has always heard the Indian Chiefs speak in the warmest terms of affection for the Agent, and never heard any but McIntosh speak against him. The cause of McIntosh's dislike was understood to be, that the Agent refused to pay his (McIntosh's) drafts on the Indians, but always insisted on paying the annuities to the Chiefs, according to his instructions. This deponent further says, that, at the first annuity Col. Crowell paid, McIntosh presented drafts to rising the amount of thirty thousand dollars. This deponent says, that he has been present at the payment of every annuity since Col. Crowell has been Agent, and the annuities have always been paid in cash to the various chiefs. And this deponent further says, that, from this deponent's knowledge of the official conduct of Col. Crowell for five years past, he believes him to be a faithful public officer, worthy the trust reposed in him.

#### DRURY SPAIN.

Sworn to, before me, this 28th day of June, 1825.

THOMAS TRIPLETT,

*Acting A. I. Off.*

Witnesses:

T. P. ANDREWS, *Special Agent,*

NIMROD DOYELL,

WILLIAM HAMBLY,

E. P. GAINES, *Maj. Gen. U. S. Army,*

J. A. HASCALL.

No. 51.

*Affidavit of Enoch Johnson.*

#### PRINCETON, INDIAN NATION.

Personally appeared, Enoch Johnson, before me, Thomas Triplett, acting Agent of Indian Affairs for the Creek Nation, who, being duly sworn, says, that he has resided in the Nation four years; during that time, witness has become somewhat acquainted with the character and customs of the Creeks; was present during the whole period of the time of the session of the council, convened at the request of the United States' Commissioners, in December last; had an opportunity of becoming particularly acquainted with the conduct and deportment of Col. Crowell, and has reasons to believe, and does verily believe, that Col. Crowell did not, in the least, interfere with the Indians in relation to a treaty; and, from the great excitement among the Chiefs at that time, witness does verily believe, if Col. Crowell had actively co-operated with the Commissioners, the most melancholy consequences would have resulted to the interests of the United States' Government; that he never knew Col. Crowell say any thing to the Chiefs which could induce them to believe they ought not to cede their lands upon

fair terms; that, if he had, he should have known it, because, being in the employ of Col. Crowell, as a mechanic, he had every opportunity of becoming acquainted with his conduct in this particular. Witness does not believe that Col. Crowell, in the least degree, instigated the Indians, or stirred them up to kill McIntosh, nor does the witness believe he knew it until after it took place. Has frequently heard the Chiefs say, after the death of McIntosh, that he suffered by the law; that it was an affair of their own, and no white man knew any thing about it, except Hutton. Was present during the night that Jesse Coxe staid at Thomas Crowell's, on his way to Alabama, in April last; and from his observation and his general attendance during the time, heard no conversation like that attributed to Col. Crowell, in the testimony of Coxe, which he has seen and heard read; nor does he believe any such conversation took place; his reasons for this belief are, that Coxe did not eat supper at the table with Col. Crowell, but supped with his own family in a private room; was not out of his room after supper, as witness recollects; because he started very early in the morning; and because, soon after, Col. Crowell retired to his own quarters in another building; and because Col. Crowell seldom visits the bar-room, and seldom visits the tavern, except to eat his meals, and then again returns to his own quarters. Witness states, that, at the last annuity meeting of the Chiefs and Indians, in April last, he was appointed to issue rations of beef, &c. to the Indians; that he issued to all the men who were entitled to it—to Gen. McIntosh's friends as well as others; did not refuse to issue rations to any men that were here during the time; a negro once came for beef for Chilly McIntosh, he had no order or paper, neither did he know how much was wanted; witness told the negro to go to Mr. Peck and get the paper, and to ascertain the quantity; witness states that negro never returned.

ENOCH JOHNSON.

Sworn to, before me, this 30th June, 1825.

THOMAS TRIPLETT, *Acting A. I. Aff.*

Witnesses: T. P. ANDREWS, *Special Agent.*

DRURY SPAIN.

No. 52.

*Affidavit of Lemuel B. Nichols.*

PRINCETON, INDIAN NATION:

Personally appeared Lemuel B. Nichols, before me, Thomas Triplett, Esq. Acting Agent of Indian Affairs for the Creek nation, who, being duly sworn, says: That he has resided in the Creek nation about five years and a half; has had an opportunity to become tolerably well acquainted with the character and customs of the Creek nation, and understands a little of their language; was here, and at Broken Arrow, during the grand Councils in December last; never heard Colonel Crowell express himself as opposed to a cession of lands by the Creeks; he has never, to witness' knowledge, had any council with the chiefs,

for the purpose of exciting Indians to an opposition to the wishes of the General Government. If he had held such councils, witness thinks, from his intercourse in the nation, he must have heard of it. Was present at the Indian Springs at the time of the treaty in February last; heard Colonel Crowell announce the wishes of the Government to them in Council, and heard him add, that it was best they should sell all their land, and go across the Mississippi together; heard him also say to the Indians that, if they would consent to go, he would go with them, and be their protector and friend. Saw McIntosh in private council, often, with the Commissioners. Did not hear the treaty read and interpreted to the Indians, for their deliberation, in Council; nor does he believe that it was interpreted to the chiefs in public Council, until they were called on to sign it. Has been present at the payment of annuities, two of them, and saw Colonel Crowell pay in money. These annuities were paid to the chiefs. From the knowledge of Colonel Crowell's official conduct, witness has reason to believe, and does verily believe, that Colonel Crowell is a faithful public officer, and worthy of his trust. Does not believe that Colonel Crowell instigated the death of McIntosh; nor does he believe, that the Agent knew that it would take place. Has always heard the Indians say, since the death of McIntosh, that he was executed pursuant to a law of the nation. Supposed that the goods McIntosh distributed to the Indians at the Springs, belonged to General Mitchell. These goods were distributed for the Ocmulgee reserve, as witness understood. Has often seen Colonel Campbell and Mitchell in close conversation together, at the Springs, during the treaty.

LEMUEL B. NICHOLS.

Sworn to, before me, this 30th June, 1825.

THOMAS TRIPLETT, *Acting Sgt. I. A.*

Witnesses :

E. P. GAINES, *Major General,*  
T. P. ANDREWS, *Special Agent,*  
E. G. W. BUTLER, *Aid-de-Camp,*  
NIMROD DOYELL,  
LUTHER BLAKE,  
JESSE WALL.

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No. 53.

*Affidavit of Andrew Berryhill.*

PRINCETON, INDIAN NATION.

Personally appeared Andrew Berryhill, before me, Thomas Triplett, Acting Agent of Indian Affairs for the Creek Indians, who, being duly sworn, says : That, at a ball-play near Mr. Smith's, the Missionary, not quite one year ago, but before the first meeting of the Commissioners at Broken Arrow in December last, General McIntosh, being there, told the Indians that the very first men who should sell

land should die by the law ; that such a law had been made in Council ; and he established it there, at the ball-play, to those who were present. At this ball-play were John Winslett, Samuel Srels, John Owens, and Mr. Nichols, white men.

ANDREW BERRYHILL, his  $\times$  mark.

Sworn to, before me, this 28th June, 1825.

THOMAS TRIPLETT, *Acting Agt. I. A.*

Witnesses :

T. P. ANDREWS, *Special Agent,*

NIMROD DOYELL,

WILLIAM HAMBLY,

J. A. HASCALL,

DRURY SPAIN,

E. P. GAINES, *Major General.*

No. 54.

*Affidavit of John Berryhill.*

PRINCETON, INDIAN NATION.

Personally appeared, before Thomas Triplett, Acting Agent, &c. John Berryhill, who, being duly sworn, says, that the facts contained in the foregoing affidavit of Andrew Berryhill are true, and that the witness heard McIntosh say the same thing.

JOHN BERRYHILL, his  $\times$  mark.

Sworn to, before me, this 28th June, 1825.

THOMAS TRIPLETT, *Acting Agt. I. A.*

Witness :

E. P. GAINES, *Major General.*

J. A. HASCALL.

No. 55.

*Affidavit of Samuel Srels.*

PRINCETON, *Creek Agency.*

Samuel Srels states that he came into the nation with Col. Hawkins, and lived here ever since, and has been in the nation somewhere about twenty odd years. During this time he has had an opportunity to become pretty well acquainted with the character and customs of the Indians ; was present at Broken Arrow at the time the Grand Council met to consider the proposition for a treaty in December last ; among the chiefs and head men, he has frequently heard them express their decided opposition to disposing of any more land ; and he has heard the same thing often, since that time. He is particularly acquainted with the Agent, Col. Crowell, and has been frequently with him ; he never heard him express any opposition to the treaty to him or others. In relation to the death of McIntosh, never

heard the Agent use any language, which could induce a belief that the Agent instigated the death of McIntosh ; but, on the contrary, I have always understood that McIntosh was killed for the violation of his own law, or of one in which he had a hand in making ; and, on this subject, there is but one opinion in the nation, as far as he can learn, with the exception of McIntosh's party. He was also present at the Indian Springs when the treaty was made ; never saw any thing in the conduct or language of the Agent that could, in the least degree, induce a belief that he was opposed to a treaty ; but, on the contrary, was present and heard the Agent tell the Indians that it was the President's wish that they should sell their land in exchange for other lands West of the Mississippi ; that he advised them to go, and held forth many inducements to get their consent ; and he recollects, particularly, that he, the Agent, told them that they were surrounded by white people on both sides, and that it was best they should go where they would be out of their reach, and he would go with them, and be their protector. From his knowledge of the Indians, and their conduct since McIntosh's death, he states that they have always expressed an anxiety to have it understood, as the fact is, that the executing of McIntosh and the others, was an act of justice to satisfy the law, and that there is no manifestation of any hostile views against any white person. They are very kind to white persons, and any alarm that may exist is groundless.

Before the Council broke up in December last at Broken Arrow, McIntosh went off to Cowetan, because he was apprehensive that the Indians would kill him, as they became jealous of him. There was a considerable excitement against McIntosh among the chiefs, in consequence of a belief that he wanted to sell the land. This information was obtained from the chiefs and other Indians at the time. Was present at the time the treaty was interpreted ; does not recollect that any thing was said about the Commissioners were to pay the money—the two hundred thousand dollars—to the Indians, excluding the Agent ; understood the treaty, as it was read, in this way, and came away with such an impression that five hundred thousand dollars was to be given to boot in the exchange of lands : four hundred thousand dollars for the payment of possessions and removal ; and two hundred thousand after the ratification of the treaty. What strengthens the belief of the witness, is a previous declaration of McIntosh that he would sell the land, but they must give most a million of dollars.

SAMUEL SRELLS, his x mark.

Sworn to, and subscribed, before me, this 28th June, 1825.

THOMAS TRIPLETT,

*Acting A. I. Affairs.*

Witnesses :

T. P. ANDREWS, *Special Agent*,  
WILLIAM HAMBLY,  
NIMROD DOYELL,  
E. P. GAINES, *Maj. Gen. U. S. A.*  
J. A. HASCALL,  
DRURY SPAIN.

Samuel Srella, being further examined, says, that, during the month of December last, at the time of the meeting of the chiefs at Broken Arrow, at the house of Chilly McIntosh, in a room up stairs to themselves, a man by the name of Stroud came to witness, and said that he had understood, by Nimrod Doyell, that witness had influence with the Tuckabatchee chief, and had sent him to witness; witness replied that he had no influence at all with the chief. Stroud still insisted that witness had influence with the chief, because Doyell had informed him so; and added, that, if witness could bring the chief over, money would not be lacking, and that any amount that Col. Campbell's brother would say, would be good; did not understand that Stroud was in the employ of the Commissioners; asked him no questions about that; had a conversation with Doyell afterwards on the subject, and Doyell stated that his motive for sending Stroud to witness, was that he wanted some other person to hear it as well as himself: witness explained that he means by the word *it*, the offers made by Stroud to Doyell.

SAMUEL SRELLS, his x mark.

Sworn to, before me, this 4th July, 1825.

THOMAS TRIPLETT,  
*Acting A. I. Affairs.*

Witnesses :

T. P. ANDREWS, *Special Agent*,  
E. P. GAINES, *Maj. Gen.*

No. 55.

*Affidavit of Haynes Crabtree.*

BIG UCHEE BRIDGE,

*Indian Nation, July 6th, 1825.*

Personally appeared before me, the subscriber, Acting Agent for Indian Affairs, Haynes Crabtree, who, being duly sworn, deposeth and saith, that he knows nothing in relation to the charges made against Colonel Crowell, the Indian Agent, by the Governor of Georgia, nor has he any knowledge of any circumstances which would induce him to believe that he, the said Agent, has been, in any manner, guilty of either of those charges.

In witness whereof, he, the deponent, hath hereunto set his hand, the day and year above written.

HAYNES CRABTREE.

Sworn to, before

THOMAS TRIPLETT,  
*Acting Agent Indian Affairs.*

Witnesses,

T. P. ANDREWS, *Special Agent*,  
S. ROCKWELL,  
JOHN OWEN.

No. 56.

*Affidavit of James Randell.***PRINCETON, CREEK AGENCY.**

James Randell states that he knows nothing of Col. Crowell's conduct in relation to the treaty. In relation to McIntosh's death, since that event, he has frequently heard a great many Chiefs and head men of the nation say, that McIntosh violated the law, and that "his own mouth was the occasion of his death," as they expressed it; and he farther states, that he never heard it attributed to Colonel Crowell. The head chiefs kept it a secret until after it had taken place; has resided in the nation about twenty-four years.

JAMES RANDELL, his x mark.

Sworn to, and subscribed, before me, this 28th June, 1825.

THOMAS TRIPLETT,

*Acting Agent Indian Affairs.*

## Witnesses,

T. P. ANDREWS, *Special Agent,*

WM. HAMBLEY,

NIMROB DOYELL,

E. P. GAINES, *Maj. Gen. U. S. A.*

J. A. HASCALL,

DURY SPAIN.

No. 57.

*Affidavit of Lewis Wynn.***PRINCETON, INDIAN NATION.**

Personally appeared before me, Thomas Triplett, Acting Agent of Indian Affairs, Lewis Wynn, who, being duly sworn, says, that he was present in the room, a part of the time, during the affixing the signatures to the late treaty at Indian Springs; witness was at Joe Marshall's house, one of the Indians who signed the treaty, after the treaty, sometime in March last, when Joe Marshall handed over to the witness seventeen one hundred dollar bills, which witness counted, and which Joe Marshall said was given to him by the Commissioners, and that he got it at the Indian Springs; witness does not recollect which, but the impression made on his mind, from the remarks of Marshall, was, that the money came from the Commissioners.

LEWIS WYNN.

Sworn to, before me, this 28th June, 1825.

THOMAS TRIPLETT,

*Acting Agent Indian Affairs.*

## Witnesses,

E. P. GAINES, *Maj. Gen'l.*T. P. ANDREWS, *S. A.*

JESSE WALL.

No. 58.

*Affidavit of William Lott.***PRINCETON, Indian Nation.**

Personally appeared before me, Thomas Triplett, Acting Agent of Indian Affairs for the Creek Nation, William Lott, who, being duly sworn, says, that he was raised in the Creek nation, and is acquainted with the Indian character, customs, laws, and language; was present at the Council at Broken Arrow, in December last; does not know, nor does he believe, that the Agent, Col. Crowell, took any part against the Commissioners, whatever; if he had, witness believes that, from his, the witness', intercourse with the Indians, and their unreserved communications with him, he should have heard something about it.

Witness says that he is acquainted with Colonel Williamson; that he was in the employ of the Commissioners. After the broken days were given out for the treaty at the Indian Springs, Col. Williamson met witness between witness' house and Moss'. Col. Williamson offered witness one thousand dollars if he would go to the Springs, and assist them in getting the land; and, if they succeeded, a mile square of land. This offer witness understood to have been made by the authority of the Commissioners. This offer was made in the presence of James Moss. Witness declined the offer.

At a ball play, near Mr. Smith's, was present, when McIntosh got up on a wagon, and, extending his feet, proclaimed, that any man who should offer to sell the first bit of land as large as that between his feet, should die by the law; and that the National Council had made the law, and a man who violated it should die by the law. Witness has frequently heard the chiefs say that there was a law against any person offering to sell land, and the penalty is death. There are many penal laws in the nation that are not in writing. The few written laws that there are, witness has understood Chilly has run away with. Witness has often heard the Chiefs express much regret that the treaty was ratified; said it was not made by the nation, but by McIntosh and a few of his friends. Witness has also heard the chiefs express an opinion that their Great Father would protect them, and would not drive them off their lands. Witness has always heard the Chiefs express the utmost confidence in their Agent, and are attached to him, because he always paid them their annuities in cash, and distributed them as they belonged.

WILLIAM LOTT, his x mark.

Sworn to, before me, this 28th June, 1825.

THOMAS TRIPLET,

*Acting Agent of Indian Affairs.*

**Witnesses.**

T. P. ANDREWS, *Special Agent,*

WM. HAMBLY,

DRURY SPAIN,

NIMROD DOYELL,

E. P. GAINES, *Maj. Gen. comm'g.*

J. A. HASCALL.



No. 59.

*Affidavit of James Hutton.*

STATE OF ALABAMA, }  
 Montgomery county, } ss.

Personally appeared before me, Alexander Graham, one of the Justices of the Peace for said county, James Hutton, and, after being duly sworn, deposeth and saith, that the within certificate is just and true.

JAMES HUTTON, his x mark.

Sworn to, and subscribed, before me, this 16th day of July, 1825.

ALEXANDER GRAHAM, J. P.

I do certify that I was personally present at the time that General McIntosh was killed, and that the greatest care was taken to secure the white men and their property ; and when the Indians sent for me to go, they said that, perhaps, there might be some white men there, and that they wanted me to talk for them. That, if there was no person to speak English, that if any white person was there, that they might take an alarm, and run where no injury might grow out of it. I never heard the least hint like as if the Agent had sent the Indians. I am sure that I heard no person signify such a thing, nor do I believe any of the party ever made such statement at McIntosh's, or elsewhere. I always heard them say that it was the orders of the Little Prince, and other head men of the nation, to kill McIntosh, for a breach of the law that he had made himself.

JAMES HUTTON, his x mark.

May 22, 1825.

Test, DANIEL J. HENDERSON.

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No. 60.

*Affidavit of John Owens.*

PRINCETON, INDIAN NATION, July 2, 1825.

Personally appeared before me, the subscriber, Acting Agent for Indian Affairs, John Owens, who made oath on the Holy Evangelists of Almighty God, that he wrote a letter about the 4th of March last, for the Little Prince, addressed to Chilly McIntosh, inviting him home to the nation. A letter bearing that date, and with the mark of the Little Prince, and witnessed by this deponent and Lemuel B. Nichols, and published in the pamphlet containing the message of the Governor of Georgia to the Legislature, has been shewn to him : this deponent believes it is intended as the letter which he wrote for the Little Prince, as he has heard of no other such letter, and as it is generally, if not altogether, the one he has himself written. The de-

ponent further makes oath, that he has not a sufficiently distinct recollection of the words he made use of, to say whether it is altogether the one he did write : but that, so far as his memory serves him, it has been altered. The deponent makes oath further, that, whether the printed letter he refers to, is or is not exactly the one written by the deponent, he feels quite certain that it is not correct ; particularly, in the words, " and all of you," in the 7th line of it, which ought not to be in it. Deponent further made oath, that he is perfectly satisfied that the Little Prince intended, by that letter, to write to and invite Chilly alone home ; as nothing was said, at the time of writing it, which would induce deponent to believe he intended to invite the General, or his party, back to the nation. Deponent further makes oath, that Chilly did return home, in consequence of that invitation, where he remained, undisturbed or molested, until he again joined his father. The deponent's belief as to the intention of the Little Prince, is strengthened by the fact, that, if he, the Little Prince, had intended to invite General McIntosh and his party home, he would, in the opinion of deponent, have written to the General and his party, and not to Chilly only.

In witness whereof, he has hereunto affixed his name, the day and year before written.

JOHN OWENS.

Sworn and subscribed to, before me.

THOMAS TRIPLETT,  
*Acting Agent Indian Affairs.*

Witnesses.

E. P. GAINES, *Maj. Gen.*  
LUTHER BLAKE,  
S. ROCKWELL,

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No. 61.

*Affidavit of Lemuel B. Nicholls.*

Lemuel B. Nichols says, on oath, that the foregoing affidavit of Mr. Owens has been read to him, and he was present at the time of writing the letter therein referred to, and believes that the facts stated by Mr. Owens, in said affidavit, are substantially correct.

LEMUEL B. NICHOLS.

Sworn to, before me, this 4th July, 1825.

THOMAS TRIPLETT,  
*Acting Agent Ind. Affs.*

Witness, T. P. ANDREWS, *Special Agent.*

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No. 62.

*Affidavit of Suckey Randall.*

PRINCETON, INDIAN NATION, July 2, 1825.

Suckey Randall this day appeared before me, the subscriber, acting Agent of Indian Affairs, and made oath on the Holy Evangelists of

Almighty God, that, in interpreting for the Little Prince, the letter written on the 4th of March last, by John Owens or Lemuel B. Nichols, who she understands signed the letter as witnesses, she was directed by the Little Prince to interpret his wishes, that Chilly McIntosh, and he alone, should be written to, to come home. She is quite certain that the Little Prince did not intend, in that conversation or letter, to send for General McIntosh or his party, generally, or any one but Chilly, who he said, was not to blame for any act (being a young and foolish man) which his father had persuaded or compelled him to do, in relation to the late treaty; nor did she interpret any other wish to either Nichols or Owens, one of whom, she understands, wrote the letter.

In testimony whereof, she has hereunto affixed her mark, the day and year before written.

**SUCKEY RANDALL**, her  $\times$  mark.

Sworn to, and subscribed before me.

**THOMAS TRIPLET**,  
*Acting Agent Indian Affairs.*

Witnesses:

**T. P. ANDREWS**, *Special Agent*,  
**LUTHER BLAKE**.

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No. 63.

*Affidavit of Samuel Srells.*

**PRINCETON, INDIAN NATION, July 2, 1825.**

Personally appeared before me, the subscriber, acting Agent for Indian Affairs, Samuel Srells, who, being duly sworn on the Holy Evangelists of Almighty God, says, that he carried the letter, referred to in the foregoing Affidavit, from the Little Prince to Chilly McIntosh; that the Little Prince told him in the Indian language, with which this deponent is acquainted, in substance, as follows: "I hand this letter out of my fingers into yours, and do you hand it in to Chilly's, and into no body's else." I did so, and brought Chilly home, and delivered him to the Little Prince in his yard. This deponent further swears, that the Little Prince did not direct him to carry the message to any one else than Chilly.

In witness whereof, he has hereunto affixed his mark, the day and year above written.

**SAMUEL SRELLS**, his  $\times$  mark.

Sworn to, and subscribed, before me, as above stated.

**THOMAS TRIPLET**,  
*Acting Agent Indian Affairs.*

Witnesses:

**T. P. ANDREWS**, *Special Agent*.  
**LUTHER BLAKE**.

*Affidavit of John Clemens.*GEORGIA, *Baldwin County.*

Personally appeared before me, John Clemens, who, being duly sworn, says, that he had an interview with Chilly McIntosh within a day or two after his arrival in Milledgeville, and succeeding the death of his father, Gen. McIntosh, in which conversation, he told this deponent that Gov. Troup had ordered him on to Washington with the Chiefs; and, after detailing the manner of his escape, and the death of his father, and Etomme Tustunnuggee, this deponent asked him how they came to be killed. He replied, that the Indians did not wish to dispose of their lands, and were dissatisfied with his father, and those who had signed the treaty, and that was the cause of their death. Although this deponent was with the said Chilly for nearly two hours, conversing upon the subject of the treaty and the death of his father, he never mentioned the Agent's name as being in any degree opposed to the treaty, or concurred in, or knowing of, the determination of the Indians to take the life of his father. He said he wanted revenge, and meant to have it. That he had apprised all that had signed the treaty of their danger, and had requested them to meet him.

JOHN CLEMENS.

Sworn to, before me, this 13th June, 1825.

APPLETON ROSSETTER, J. I. C.

*Statement of John C. Kennedy.*GEORGIA, }  
*Baldwin County.* }

Whereas there are diversity of opinions concerning a conversation which took place between myself and Colonel John Crowell an evening or two past; therefore, I think, in justice to myself, the State of Georgia, the United States, and Colonel Crowell, it is my duty to make the following remarks, viz: On the 4th instant, I was called on to give evidence, concerning said Crowell, to the Committee on the State of the Republic, which I done; but gave my evidence in this way, "if it was Colonel Crowell;" and, feeling myself uneasy, I set out in pursuit of him, (Crowell,) and at length found him at McCombe's; and, when I found him, I told him my business, and the statements I had made before the Committee; and then stated to him, that I did not believe he (Crowell) was the man, for reason he looked older, and of a fairer complexion, than I had recognized the man I before saw. He (Colonel Crowell) then began to reply thus: Well, Sir, you can go before the committee, and make those statements, or any other statements you please: for if every man in the State would go before the Committee and swear (and pointing to a mastiff that lay near us) that I was a dog,

I would not care a d—n, for I am not accountable to them, and therefore do not care a G—d d—n about it no how. Then he rose and went off, without saying he was, or not, the man I had heard use the language alluded to; and I then inferred he was the same man, from no other reasons than these: the size of the man, the tone of voice, the drift of his conversation, and the indifference with which he treated the subject. This, I believe, is as near the truth as I can tell it.

June 12, 1825.

JOHN C. KENNEDY.

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No. 66.

*Testimony of Michee and Timpoochie Barnard.*

PRINCETON, INDIAN NATION:

Michee Barnard and Timpoochie Barnard state, That they understand the statement that William Barnard made in Savannah, on the tenth day of June last; that they never had any conversation with William Barnard, as is stated by him, nor any conversation to that effect with Colonel Crowell. Timpoochie says, that he lives near the Agent, and never has heard him express any thing like that stated by William Barnard.

MICHEE BARNARD, his X mark.

TIMPOOCHIE BARNARD, his X mark.

2d July, 1825.

Witnesses:

T. P. ANDREWS, *Special Agent,*

LUTHER BLAKE,

E. P. GAINES, *Major Gen. Com'g.*

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No. 67.

*Sentence of the High Court of Impeachment of Georgia.*

WEDNESDAY, 14th December, 1808.

State of Georgia,

vs.

Obadiah Echols,

Reddick Simms, and

Francis Flournoy,

} *Impeachment.*

The President pronounced the following sentences:

You, Obadiah Echols, Reddick Simms, and Francis Flournoy, after a patient examination before the highest judicial tribunal known to the Constitution and laws of your country, have been found guilty of basely conspiring against the honor, the interest, and the dignity of the People, who had confided their property to your trust and management. The High Court of Impeachment, satisfied and convinced of the infamy and guilt of your conduct, do pronounce and adjudge as follows:

And that you, Francis Flournoy, be, and you are hereby, removed from all and every office held by you under the authority of this State,

or any county thereof; and that you be disqualified from holding and enjoying any office of honor, trust, or profit, within this State, for and during the term of twenty years.

OFFICE OF SECRETARY OF SENATE, GEORGIA,

*Milledgeville, 27th July, 1825.*

I, William Y. Hansell, Secretary of the Senate of the State of Georgia, do certify that the foregoing contains a true extract taken from the Appendix to the printed Journal of Senate, at its annual session in 1808, now in my office.

WILLIAM Y. HANSELL,

*Secretary of Senate.*

No. 68.

*Affidavit of Lewis Caffrey.*

FORKED CREEK, MOSS' OLD STAND,

*Indian Nation, July 8, 1825.*

Personally appeared before me, Thomas Triplett, Acting Agent of Indian Affairs, Lewis Caffrey, who, being duly sworn on the Holy Evangelists of Almighty God, in due form, depose and saith: That he hath no knowledge of any facts having a bearing on the two charges made by the Governor of Georgia against the Indian Agent, Colonel Crowell, nor has he a knowledge of any facts which would induce him to believe him guilty of either.

That part of Wm. Hambly's affidavit, taken at Princeton, and dated the 4th instant, being read and shewn to deponent, he further made oath, that Col. William W. Williamson called at his house shortly before the time of holding the treaty at the Mineral or Indian Springs, in February last, in company with Mr. James Moss. That, the morning after their arrival, Colonel Williamson requested Mr. Moss to go up "to see Hambly:" Moss declined going, as he stated he was not in the habit of going to Colonel Hambly's house, but referred said Williamson to deponent. They both intimated a wish that the deponent should go to Hambly; said Moss having told deponent, the night previously, that Colonel Williamson stated Hambly could get eight thousand dollars for aiding in the treaty. Deponent took Col. Williamson aside, and asked him what he should say to Hambly; said Williamson told him to say to Hambly that, if he would favor the treaty, he should find it greatly to his advantage. Deponent, accordingly, did as requested, and stated to Colonel Hambly that it was his (deponent's) opinion he would get eight thousand dollars, if he would exert himself, or be in favor of the treaty; and brought Hambly down to deponent's house to see Williamson.

The deponent further made oath, that, the day after the interview between deponent and Hambly, and the latter and Williamson, they

(Williamson and Hambly) left deponent's neighborhood, in company, for the Mineral Springs.

LEWIS CALFFREY.

Subscribed, and sworn to, the day and year above written, before me,  
THOMAS TRIPLETT, *Acting Agt. I. A.*

Witnesses :

SAM'L ROCKWELL,

LUTHER BLAKE,

T. P. ANDREWS, *Special Agent.*

No. 69.

*Affidavit of Drury Spain.*

FORT PERRY, INDIAN NATION, July 8, 1825.

Personally appeared before me, Thomas Triplett, Acting Agent of Indian Affairs, Drury Spain, who, being duly sworn, deposeth and saith : That, after the treaty at Indian Springs, Mr. Lewis Calffrey stated, in presence of deponent, that Col. W. W. Williamson had offered Hambly eight thousand dollars, if he would favor the said treaty. The remark was made in the presence of Mr. Hambly, as well as that of Mr. James Moss, he (Calffrey) adding, at the time, in a remark to said Hambly, that he ought to give him, if he obtained the eight thousand, one thousand of the amount. The conversation took place, also, in the presence of Henry Crowell, and at the house of Moss & Calffrey, who were then understood to be in partnership, or company.

Deponent further made oath, that said Moss, at the same meeting, acknowledged that Col. W. W. Williamson had promised him (said Moss) a reserve of one mile square of land, and that he (said Moss) had actually laid off said reserve, or "blazed it," on the Chatahoochie river, at the same time that Chilly McIntosh had laid off a similar reserve promised him, adjoining the one-laid off, or blazed, by said Moss. Said Moss remarked, at the same time, that Chilly had killed a horse riding in haste to get to the said reserve.

Deponent further made oath, that he is well acquainted with Col. J. Crowell and James Moss, and that, from frequent conversations with the latter, he is satisfied he has a settled enmity or hostility to said Crowell, and from the most unworthy motives. Deponent has no hesitation in saying, that he does not consider the statements of said Moss against Colonel Crowell, whether on oath or otherwise, as entitled to credit.

In witness whereof, the said Spain hath hereunto set his hand, the day and year above written.

DRURY SPAIN.

Subscribed and sworn to, before me,

THOMAS TRIPLETT, *Acting Agt. I. A.*

Witnesses :

T. P. ANDREWS, *Special Agent,*

SAM'L ROCKWELL.

No. 70.

*Affidavit of Major J. H. Brodnax.*

## PRINCETON, INDIAN NATION

Personally appeared before me, Thomas Triplett, Acting Agent of Indian Affairs, John H. Brodnax, who, being duly sworn, says, that he was contractor for supplying the Indians with rations, during their meeting at Broken Arrow in December last; that, during that time, witness had a constant intercourse with Col. Crowell; heard him frequently converse with Chiefs upon the subject of the treaty, in which he heard Colonel Crowell remark, that he thought they had better sell their lands; they would have to sell one day or other, and now their was more offered them than there would ever be again. Col. Crowell often further observed to the Chiefs, he hoped there would be no divisions among them, but that they would all go together to the West, and he would go with them; from the above conversations, witness believes, and yet believes, that Col. Crowell was not opposed to a cession of lands.

Witness understood and believes that the Commissioners had a private interview with McIntosh, at Cowetaw, during the holdings of the meeting; this fact was notorious here, and never contradicted.

During the latter part of January, succeeding the meeting at Broken Arrow, witness was called on by Gen. McIntosh to go with him to Joe Marshall's, in the Creek nation, to do some writing for him; that witness accordingly did go, and that he did draw up the two documents, dated 25th January, 1825, signed by William McIntosh, Speaker of Council, Samuel Hawkins, and Chilly McIntosh, and various other Indians, and published in a pamphlet, containing the message of the Governor of Georgia, of 23d May, 1825, and the documents accompanying it, immediately following the letter of D. G. Campbell, of 16th February, 1825, to Secretary of War. That Gen. McIntosh and seven others, came on with witness to witness' house, and there both documents were enclosed, and addressed to the President of the United States; the packages were not sealed, as witness believes; they desired to leave them unscaled, in order to shew them to the Governor.

That Gen. McIntosh and seven or eight others, then went on to Milledgeville, on their way to Washington City, with a view of concluding, at the City of Washington, a similar treaty with the one made at Mineral Springs. Gen. McIntosh said if he could get \$2000, he would put his country in pledge for its re-payment, and that no further expense would attend the making the treaty; if it was not made, they would refund the money. Heard McIntosh further say, that the reason why they did not go on to Washington City was, because the Governor of Georgia told them that Colonel Campbell had gone on to Washington City, and would be clothed with the necessary power to make the treaty; if this should not be the case, that then they could go on. It is witness' belief, that, if these Indians had went on to Washington, and our Government had treated with them, a similar treaty might have been concluded, by a saving of all the expenses at



Indian Springs, amounting to about fifteen thousand dollars, which sum includes the eleven thousand dollars, distributed among the Indians, as Indians told him.

Witness was present at the Indian Spring treaty in February last, and was invited by McIntosh and his party, to draw up their writings for them. That he was especially desired to draw up a memorial to the Commissioners, requesting them to make provision for their protection, as they had been threatened the evening before by some of the Indians at the Springs, with confiscation of property, and with ropes and guns, for their destruction ; that he accordingly drew up a memorial which, he believes, was presented to the Commissioners, and which produced the 8th article of the treaty. That it was understood, at the Springs, that the Commissioners had informed the Indians at the Springs, that there were troops at hand, and had promised them protection, if they signed the treaty. That the Indians understood, before Colonel Campbell went to Washington, that a meeting would be called on his return at the Indian Springs. That Gen. McIntosh stated to witness, that the expense of the meeting might be avoided by his and his comrades going on.

Witness further states, that he roomed with the Agent at the Indian Springs, during the meeting in February last, and was with him as much as any other man, and he never manifested any opposition to the Indians, disposing of their lands, but the Agent was opposed to the lands being disposed of, or a treaty being made, with a remnant of the nation, contrary to the instructions of the Government, and so expressed himself after the treaty was made. That, before the signing the treaty, witness has frequently heard the Agent, at the Springs, use similar arguments and inducements to the Chiefs there, to effect a cession of lands, to those above stated by witness to have been used at Broken Arrow.

That Gen. Mitchell roomed with the Commissioners at the Springs, during a part of the meeting, and was in frequent conversations with the Indians ; that he, the General, was treated with such attention by the Commissioners, that, on one occasion, Col. Campbell was so particular, that he held the chair, to be occupied by General Mitchell, in order to prevent its being occupied by any other person at the table ; what induced witness to remark this attention particularly, was a knowledge that Col. Campbell and Gen. Mitchell had, theretofore, been politically opposed, to such a degree, as not to recognize each other, with the ordinary salutations and recognition, when they met.

JOHN C. BRODNAX.

Sworn to, before me, this 7th July 1825.

THOMAS TRIPLETT,

*Acting Agent Indian Affairs.*

Witnesses,

E. P. GAINES,

T. P. ANDREWS, *Special Agent,*

E. G. W. BUTLER, *Aid-de-camp,*

J. A. HASCALL.

No. 71.

*Affidavit of Richard J. Nichols.***GEORGIA, Baldwin County.**

Personally appeared before me, Richard J. Nichols, Merchant, of Milledgeville, who, being duly sworn, says, that he sold to General William McIntosh some goods, a few days previous to the Treaty of the Indian Springs. Not complying with the terms of payment, Major James Meriwether called to know if witness would wait ten days for payment, which was agreed to, on his signing a joint note with General M·Intosh.

In a conversation which witness had with General D. B. Mitchell, about the sale of the goods, he observed to witness that M·Intosh was very good; that the treaty would put into his (M·Intosh's) pocket about fifty thousand dollars.

R. J. NICHOLS.

Sworn to, and subscribed, before me, this 22d July, 1825.

GEORGE G. MILLER, J. P.

No. 72.

*Affidavit of John T. Lamar.***GEORGIA, Baldwin County.**

Personally appeared before me, John T. Lamar, merchant, of Macon, Bibb county, who, being duly sworn, says, that, on Friday last, the fifteenth instant, when just on the eve of leaving Augusta, Alexander M·Kenzie, of the firm of M·Kenzie and Ponce, stopped witness, and inquired whether witness had stated that a report was in circulation in the up country, that General Gaines had demanded the \$ 200,000 of the Commissioners; that difficulties existed, on the part of the Commissioners, as to the payment of this money, and that the money, or a part of it, had been invested in cotton. Witness replied that he had stated that such a report was in circulation. Alexander M·Kenzie then stated to witness, that the draft of \$ 200,000 had been sold to the Augusta Bank, at one and a half per cent. premium, and that the whole of the principal and premium was at the credit of the United States. in said bank. M·Kenzie also stated to witness, that he had sent to Col. Campbell, (his brother-in-law,) at Milledgeville, for the draft; and that he, M·Kenzie, and his friends had used the money whenever they wished, say from thirty to thirty-five thousand dollars at a time; but that he could have replaced it, and that General Gaines could have had it whenever he had made the demand. That M·Kenzie further remarked, that the use of the money had been a gain to the citizens of Augusta of at least one hundred thousand dollars.

Witness further states, that he was in Milledgeville during the late extra session of the General Assembly, and that Colonel D. G.

Campbell was also there. Witness, during his stay there, understood that an express had arrived in town, bringing the news of a further rise of cotton : Witness being himself a dealer in that article, became anxious to learn the extent of the news said to have arrived ; but, upon being told that the express had arrived to Colonel Campbell, witness ceased making any other inquiries, believing Colonel Campbell not to be interested in cotton speculations, and, therefore, the report of no consequence.

Witness further says, that, from the conversation which witness had with Alexander M. Kenzie, as above detailed, witness is induced to believe that the express which arrived in Milledgeville, as above stated, to Colonel Campbell, was the one stated by M. Kenzie to have been sent by him for the draft.

JOHN T. LAMAR.

Sworn to, before me, this 19th day of July, 1825.

APPLETON ROSSETTER, *J. I. C.*

Witnesses to signature :

E. G. W. BUTLER, *Aid-de-Camp.*

THOMAS TRIPLETT,

T. P. ANDREWS, *Special Agent.*

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No. 73.

MONROE COUNTY, GEORGIA,

*Indian Springs, July 14th, 1825.*

*Testimony of Joel Baley, given to T. P. Andrews, Special Agent of the United States, in the presence of Major General E. P. Gaines and E. G. W. Butler, his Aid-de-Camp.*

Witness states, he has no knowledge of any facts or circumstances which would induce him to believe that Colonel Crowell was unfavorable to a cession of the Indian lands, or concerned in the death of General M'Intosh : was at Broken Arrow in December last, during the whole period of holding a treaty, and attended at the request of General M'Intosh. Witness made use of all the exertions in his power, at Broken Arrow, to effect a treaty : At first, these exertions were voluntary, and afterwards authorized or sanctioned by the United States' Commissioners. Witness recollects to have made propositions to Doyell, an Indian countryman, to induce him to favor a treaty, but does not recollect that his propositions were specific as to amount : made other propositions to the Indian chiefs, but does not recollect making any to any other Indian countryman than Doyell. Doyell observed to witness, that he would prefer talking to the Commissioners, on which witness carried him and turned him over to the Commissioners. Did visit the Little Prince, one night during the

treaty at Broken Arrow, in company with Doyell, with a view of making some propositions to him, but found him so averse to making a treaty, that he left him without coming to any understanding. Went with knowledge and consent of the United States' Commissioners, but was not directed by them to go, although acquainted with witness' object and intentions. Made some propositions at Broken Arrow to Gen. M·Intosh, by authority from the Commissioners; but said propositions only contemplated a cession of such of the Creek lands as were within the limits of Georgia. Had much negotiation and interchange of views with General M·Intosh at that time, who agreed to sell all the lands in Georgia to the United States, for three hundred thousand dollars, and for forty thousand more, to be paid to him, viz: twenty-five thousand dollars for the two reserves purchased by the late treaty, and fifteen thousand as a remuneration for his trouble, &c. in moving, which he said would be greater than that of any other Indian. The Commissioners declined acceding to the proposition of M·Intosh at Broken Arrow, until they could hear from the President. Colonel Campbell had an interview, about this time, with M·Intosh, and expressed a wish that he should come out and advocate a cession of lands in open Council. Witness took him one day from the house of his son Chilly to the Council, but was disappointed, as M·Intosh declined to come out on the subject. He expressed a willingness to sign a treaty, at that time, at his house, but objected to doing so in the square, as he feared they would put him to death, in consequence of the law, if he did so. The Commissioners declined taking a treaty at his house, as they said it ought to be made in full open Council, in the square. M·Intosh became alarmed, from having gathered from some source the intention of the Indians to execute him at Broken Arrow, and went off at night to one of his houses on the Chatahouchie.

Witness resided, during the Treaty of Mineral or Indian Springs, at this place, keeping a public house, at which the United States' Commissioners put up, as well as all persons here at the time, entertaining the Indians also, as well as the Indian Agent, Col. Crowell. In consequence of his engagements, being crowded with company, he took no active part in assisting to make the late treaty, and knows very little of what passed during the time of holding it.

The whole amount of money paid me by the Commissioners, for expenses at the late treaty, was four thousand and seventy-three dollars. Two thousand five hundred dollars was paid me immediately after the making of the treaty, a draft for thirteen hundred dollars at that time given me by the Commissioners, on the House of M·Kenzie and Ponce, of Augusta, and the balance, (two hundred and seventy-three dollars,) was paid me during the last month, by Colonel Campbell in person.

The whole of the testimony of witness is given in reply to questions put to him by the United States' Special Agent, Maj. Andrews. Witness is willing to make oath to them at any time, it being now impracticable, as no magistrate is present. In witness whereof he,

said witness, hath hereunto set his hand or signature, the day and year above written.

JOEL BAILEY.

Witnesses :

E. P. GAINES, *Maj. Gen. Com'g.*  
E. G. W. BUTLER, *Aid-de-Camp.*  
Z. PHILIPS,  
THOMAS TRIPLETT,  
T. P. ANDREWS, *Special Agent.*

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No. 74.

*Affidavit of Micajah C. Williamson.*

GEORGIA, *Crawford County.*

Personally appeared before me, John B. Grace, one of the Justices of the Inferior Court, Micajah C. Williamson, and, after being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, as follows :

Witness returned from Alabama to Milledgeville some time in March last, where he had a conversation with William W. Williamson, who witness understood was then on his way to Charleston, South Carolina; witness asked Colonel Williamson what he made by his trip to the Indian nation, having understood he had been employed by the United States' Commissioners; to which Col. W. replied, a thousand dollars. Witness went a few weeks afterwards to Washington, Wilks county, to the residence of Colonel D. G. Campbell, who was from home at that time; and, in a conversation with Mrs. Campbell, the lady of Col. Campbell, at that time stated to witness, upon inquiry made by him, what amount of money Col. W. W. Williamson carried to Charleston; to which she replied, if negroes could be purchased on good terms, he had, or would have, at his command, a draft of twenty or twenty-five thousand dollars, by calling on Mr. McKenzie, who deponent understood to be Mr. McKenzie, of the firm of McKenzie & Ponce, of Augusta, because of the relationship known to witness as existing between Colonel Campbell and Mr. McKenzie, being brothers-in-law. Witness has had a conversation, also, at Milledgeville, with Col. Williamson, after his return from Charleston, and since that held with Mrs. Campbell, in which Col. W. stated he had purchased negroes and brought them on, and left them, as witness understood, at a place called Richmond Hill, a place belonging to Col. D. G. Campbell, near his place of residence, in Wilks county, where the witness understood they were stopped or quarantined in consequence of the small pox being in Charleston about the time the negroes left there. Witness has since seen a part of the negroes in Jasper county, near the residence of Colonel Williamson, and another part at his house in Monticello; the number of negroes purchased not distinctly recollected: witness supposes from twenty to thirty-five. Witness further states a part of a conversation

Col. Williamson said he had with Gov. Troup after the late treaty, as witness understood, when Col. Troup mentioned the survey of the land or of asking leave to survey the same; when Colonel Williamson stated, as witness further understood, that M'Intosh could or would not refuse you any thing, meaning, as the witness supposes, the Governor, but that he, M'Intosh, was afraid of being killed; and stated he had lost friends, and must now do something to get them back. Witness states, that all the evidence herein given was elicited by verbal questions put to him by Major Andrews, United States' Special Agent, who called on witness for his affidavit. Witness gives testimony in this case reluctantly, being nearly related to both Colonel Campbell and Colonel Williamson.

M. C. WILLIAMSON.

*August 7th, 1825.*

J. B. GRACE, J. I. C.

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No. 75.

*Affidavit of Solomon Belton.*

**GEORGIA, Baldwin County.**

Personally appeared before me, a Justice of the Inferior Court, Solomon Belton, who, being duly sworn, says: On the 17th or 18th of June last, he, this deponent, hired to Colonel William W. Williamson, in Milledgeville, a small wagon, team, and driver, to convey some negroes and their baggage, within a few miles of Monticello, in Jasper County, where he wanted them to go. At the same time, he went on to the Indian Springs; and had to be there, or wished to be there, on the 20th June, when General Gaines was to meet the McIntosh Indians, and have a talk with them. I had, just before this application of Colonel Williamson, heard that Governor Troup had appointed him one of the four Commissioners on the part of Georgia, to take testimony in the Creek Nation against Colonel Crowell, the Indian Agent. I asked Colonel Williamson how he came to be appointed one of the Georgia Commissioners. His answer was, he did not know, but supposed it had been through Col. Campbell to the Governor, as Col. Campbell knew he was well acquainted with a number of the Chiefs of the Nation, and could be of service to the State, in procuring testimony against the Agent in the Nation; and that Colonel Campbell knew, that he (Williamson) knew better how to manage the Chiefs than any other man; that he, Williamson, was with Campbell and Meriwether when they held their first meeting at Broken Arrow, and when they concluded the treaty at the Indian Springs, in February last; and that he knew every circumstance concerning the treaty, from beginning to end. I told him, I was satisfied he could procure no testimony to establish the fact, that Colonel Crowell had been instrumental in the death of McIntosh, as the Governor was desirous of procuring; as it was well known to many respectable citizens in Milledgeville, that McIn-

tosh came here before he went home from the treaty, to solicit the protection of Governor Troup against the Creek nation, for his signing the treaty ; and that McIntosh had no fears of the violence of the Agent at that time ; it was strange that Governor Troup should know more of the Agent after McIntosh's death, than he did in his life time ; and this was provable, as Colonel Zachariah Lamar had told me, that McIntosh complained to him, soon after he came from the treaty, and before he returned to the Nation, of his fears of violence being committed on him, if he was not protected by the Governor, for having signed the treaty. I further observed to Colonel Williamson, that a further proof of the innocence of Colonel Crowell, was, that when Chilly McIntosh came with the news of his father's death, that he charged that fatal occurrence to the chiefs of the Nation, for his father's signing the treaty, and not to Colonel Crowell, as he did several days after ; to which Colonel Williamson gave an unqualified assent, and said, he did not believe the Agent was guilty of McIntosh's death, any more than he was, or any other man in the State of Georgia ; and that he had given this as his opinion to Governor Troup, who did not appear to be pleased with it ; that no testimony could be procured in the Nation to establish the fact. As Colonel Williamson had said, he knew every circumstance relating to the treaty, and my mind being impressed with a belief of the improper conduct of the Commissioners, I was desirous of obtaining any information which would correct the opinion I had formed, (if wrong ; ) I therefore asked Colonel Williamson what were the reasons that prevented the Commissioners from making a treaty at Broken Arrow in December last. He said the Commissioners found the chiefs assembled there, would not sell the land, but that McIntosh and his party were desirous of selling, and that the chiefs became so jealous of him, they kept a watch over him, and had an order passed in Council that no chief should hold any conversation secretly with a white man. I then asked Colonel Williamson, how the Commissioners brought about their interviews with McIntosh, after that order was passed. Colonel Williamson said, that General McIntosh staid, at night, at his son Chilly McIntosh's, and that he (Williamson) also staid partially there ; that he and McIntosh fixed on some secret place some distance off in the woods, where McIntosh would go to after 10 o'clock at night ; that he, Williamson, then went to the Commissioners, and informed them where McIntosh was, when they would have their horses brought out and ride, or sometimes walk, to the place where McIntosh was ; when the Commissioners, with McIntosh seated between them on a log, would give him his cue what to say in Council the next day ; and often remained there till near break of day in the morning ; and at this meeting all the stipulations in the treaty were proposed by the Commissioners, and agreed to by McIntosh ; where it was also agreed by the parties, to meet at the Indian Springs, in February, where McIntosh could consult his friends without fear of consequences from the chiefs, which was not the case at Broken Arrow. As I knew how the treaty was concluded, I made no further inquiries of Colonel Williamson

respecting the business, and will only add, that I had no intention, at the time of making them, to communicate any information received from him to any one, nor have I now withheld one expression, or added one, or given one expression more or less importance, than it appeared to merit at the time; or should I now depose to the facts and circumstances stated, had Colonel Williamson not refused to testify or answer on oath the interrogatories put to him.

SOLOMON BELTON.

Sworn to, and subscribed before me, Appleton Rossetter, Justice of the Inferior Court of Baldwin county, this the 26th day of July, 1825.

APPLETON ROSSETTER, J. I. C.

No. 76.

*Letter from D. G. Campbell to Captain Triplett.*

WASHINGTON, 24th August, 1824.

DEAR TRIPLETT: My brother, hearing of the prospect of a treaty, has made me a visit all the way from Houston, for the purpose of sounding whether he could not get some finger in the little profit which is to result. No man's necessities can be greater. I shall be glad if you and he could understand each other upon the subject, and unite your interests. I have not yet heard from Maj. Meriwether, but shall soon, no doubt, and will immediately inform the Agent.

My best respects to our friend Col. Crowell. I hope and expect a pleasant time in making the jaunt to his Country, to which his overflow of good feeling will contribute not a little.

Yours, very truly,

D. G. CAMPBELL.

No. 77.

*Questions put to the Chiefs, Head Men, and Warriors, of the Creek Nation, assembled in their National Council and House, at Broken Arrow, 29th June, 1825, by Major General E. P. Gaines, at the request of the United States' Special Agent, T. P. Andrews.*

*Question 1.* How many head chiefs signed the late treaty at the Indian or Mineral Springs?

*Answer.* One! McIntosh alone! He was not a head chief either, but one employed as such occasionally. Little Prince and Big Warrior were the head chiefs of the nation. The Big Warrior is dead.

*Question 2.* How many of the signers of the treaty at Mineral Springs were chiefs or head men, of any grade?

*Answer.* The answer to this question was given by the National Council verbally, in going over and pointing out the character of



each signers as in the annexed list, certified by the Special Agent, marked A.\* The answers were given generally by the Little Prince, and Poethleyoholo, the Speaker, calling up to them, when necessary, the Chiefs from the particular towns in which the signers lived.

*Question 3.* Were the head chiefs who refused to make a treaty at Broken Arrow, in December last, *hostiles*, generally, during the late war?

*Answer.* All the nation, except McIntosh, were against the treaty at Broken Arrow; and he spoke against it in Council.

*Question 4.* Were the chiefs and head men who went to the Mineral Spring Treaty, and came off before the treaty was signed, generally *hostiles* during the late war?

*Answer.* Opothleyoholo answered, as Speaker: I was the man who headed them to the Mineral Spring, and brought them off; and I NEVER WAS A RED STICK—*None of us were hostiles.* [Spoken with great emphasis—indeed, indignation.]

*Question 5.* What was the cause of the Chiefs and others leaving the Indian Springs before the Treaty was signed? and had they agreed to sign it before they did come off?

*Answer by the Speaker, Opothleyoholo.* The two principal Chiefs of the Nation were not there, and had ordered them, after they had given the Commissioners the same answers as at Broken Arrow, to come home; and they also received orders from the principal Chiefs at the Springs. He went to McIntosh, and told him of those orders, and told him, if they were white people, and ordered on a duty, and then ordered home, they would obey. He invited the Commissioners, as ordered, to come here to Broken Arrow, and then came off with his people.

*Question 6.* What was the cause, in your opinion, of the difference between the Agent and General McIntosh?

*Answered by the Little Prince, the head man of the Nation.* All that he knows is, that it was on account of Stinson, who was brought into the Nation, and who traded without a license; and because the Agent would not join with him in cheating the nation out of their annuity, which McIntosh and the former Agent, Mitchell, were in the habit of doing. McIntosh and Mitchell used to steal all our money, because they could write.

*Question 7.* Has the Agent always paid your annuities in money, and to your satisfaction?

*Answered by the Little Prince, the head of the Nation.* He does so perfectly to their satisfaction: has always paid them in money.

*Question 8.* Has the Agent your confidence and friendship, generally? and do you wish him to remain and live with you as your Agent?

*Answer.* He possesses their full confidence; they have found no fault with him; and wish him to remain with them as their Agent.

\* Forwarded to Department in my letter of the 4th July, 1825.

The letter of the Little Prince to Chilly McIntosh, dated 4th March, was mentioned to them. It was then interpreted to them, sentence by sentence.

*The Little Prince replied:* The letter is my letter, but to Chilly *individually*. His property was wasting, and he wished him to come home and attend to it. He denies that he invited them all to come back, and denies the expression, "all of you." It was Chilly he intended to call home alone, by that letter, which must have been wrong written, or since altered. If he had intended to call all home, he would have sent for the public Interpreter; but, wishing to write to Chilly only, he employed Sucky Randall, as Interpreter. The two white men, Nichols and Owens, went out of doors and wrote the letter for him, but he did not authorize them to write for any body but Chilly. I would have written to General McIntosh, if I wanted to send for him.

*Question.* Are law makers not authorized to make a Treaty, or to participate in making Treaties?

*Answer, by the Little Prince.* No: they only enforce laws, and have nothing to do in making them, unless the head Chiefs are present; and the same with treaties.

I have already informed you that your Great Father never did wish or intend to make an unfair or dishonest treaty with you; but you are also acquainted with the wishes of your Great Father, who was particularly anxious to make a fair and honest treaty with you for your land, particularly in Georgia. He ordered the Agent, Col. Crowell, after the meeting at Broken Arrow, in December last, to aid the Commissioners in making a fair and honest Treaty with you! But the Governor of Georgia says, he did not do so, and has done all in his power to prevent you from ceding your lands for the Georgians. I therefore ask you this:

*Question 9.* Did the Agent induce or persuade you, in any manner, not to make a treaty for your lands? or did you come to the determinations you have expressed *entirely* from your own free will and accord?

*Answer, by Poethlyoholo, the Speaker, and who was at the Indian Springs.* The Agent told them he had such instructions from the Government. He told them they had best sell their lands, and he would go with them over the Mississippi. He told the Agent never to speak to them again on that subject. The Commissioners were sent there to treat with them. He, the Agent, was sent for other business. The Agent again advised them to sell the land, and he told the Agent that his principal Chiefs had ordered them not to sell their lands, and that they would not take talks from any one else on the subject.

PRINCETON, NEAR BROKEN ARROW,

Chatahoochie River, June 30, 1825.

The foregoing questions were yesterday distinctly and deliberately put to the Council of the Creek Nation, in the Council Square, by me, at the request of the Special Agent, Mr. Andrews, who read them for me to the Interpreters of each party; and the answers, as herein set

forth, received ; all the Interpreters assenting to the correctness of the interpretations.

E. P. GAINES,  
Major General Commanding,

Witnesses,  
E. G. W. BUTLER, *Aid-de-Camp.*  
WM. HAMBLY, *U. S. Interpreter.*

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No 78 and 79.

For the documents under the above numbers, see letter of Special Agent to the Secretary of War, dated Princeton, Indian Nation, 4th July, 1825.

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No. 80.

*Letter from the Cherokee Chiefs to the Big Warrior and Little Prince.*

NEW TOWN, CHEROKEE NATION,  
*In General Council, October 24th, 1823.*

*Friends and Brothers :*

We have this day went through a painful and unpleasant ceremony ; your Chief, Wm. McIntosh, arrived here soon after the commencement of the present Council, accompanied by seven others of his countrymen, including his son and Interpreter. They were received by the General Council as friends and brothers ; and an appropriation of money was made to procure forage for their horses. After having shewed them every friendship, we did not expect that Wm. McIntosh had any ungenerous disposition towards the interests of this nation ; but we were mistaken. We find that his visit here must have been entirely through speculative designs. He has used *intriguing* language with some of our *Chiefs*, to yield their land to the United States' Commissioners, who are now here for that object ; and made promises of procuring a large sum of money from the United States' Commissioners for them, in which he proposed to participate himself, for his trouble. His verbal suggestions, at first, was not taken notice of ; but he still continued in the same course, and made a written communication to Mr. John Ross, the President of the National Committee, on the subject, promising the sum of nineteen thousand dollars, to be paid over to such individuals as he may think proper, in case of a cession. He further stated, verbally, to some of our *Chiefs*, that he had offered his whole country to the United States' Commissioners for two dollars per acre, and suggested the idea of the *Cherokees, Creeks, Choctaws, and Chickesaws*, all to surrender up their country, and emigrate West of the Mississippi river, and there to settle themselves under one Government. The letter aforesaid has been exposed and read in open Council to-day, by John Ross, in the

presence of Wm. McIntosh; and the General Council have decreed, that Wm. McIntosh be, and is hereby, discharged from \*ever having any voice in our councils, hereafter, as a Chief connected with this Nation.

Brothers, we are astonished at our brother's conduct at this place; and we have lost all confidence of his fidelity towards the interests of the red brethren East of the Mississippi River; therefore, we advise you, as brothers, to keep a strict watch over his conduct; or, if you do not, he will ruin your nation.

Your friends and brothers,

*Committee.*

John Ross,  
George Lowry,  
Cabbin Smith,  
Richard Taylor,  
John Baldridge,  
Sleeping Rabbit,  
Kelechulah,  
Thomas Pettitt,  
The Hair,  
Thomas Foreman,  
Chewalooke,  
John Downing,  
John Beamer,  
Path Killer,

Going Snake,  
Major Ridge,  
Chickasawlehee,  
Riding Fawn,  
Big Ratling Gourd,  
Fahlieskee,  
Woman Holder,  
Old Turkey,  
Wm. Hicks,  
Three Killer,  
Sowakee,  
Slim Fellow,  
Chunoyakee,  
Suivecullah.

ELIJAH HICKS,  
*Secretary National Council,*  
A. W. Cox,  
*Clerk National Committee.*

P. S. The Commissioners have this day departed, without a foot of land; and we wish you prosperity in all your National concerns. When you receive this, we shall expect to hear from you.

PATH KILLER,  
*Principal Chief.*

October 28th, 1823.

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No. 90.†

*Col. Stedham's statement.*

PRINCETON, INDIAN NATION,

June 28, 1825.

I this day had a conversation with Col. Stedham, referred to in the Journal of the Council at the Indian or Mineral Spring treaty and in the journal and affidavit of Col. W. W. Williamson.

\* An interchange of Chiefs has been established and continued from the time that there was but one Agent (Col. Hawkins) for the four nations.

† The chasm in the numbering is stated, by Major Andrews, to be a clerical error merely, no papers being missing from the series.

He stated, distinctly, being interrogated through two Interpreters, ~~one of each party~~, (he himself understanding and speaking English very well,) that neither himself nor his friends were induced by either the Indian Agent, Col. Crowell, or the U. S. Interpreter, Col. Hambly, to leave the treaty ground as supposed by Colonel Williamson; nor indeed by any white man; and that the real cause of his leaving was this:

The Chiefs went to the treaty referred to, with a determination not to cede any land, and that on the day of the night he left the treaty ground, a message was received from the Big Warrior, one of the two principal Chiefs of the Creek Nation, by Opoethyoholo, in which he directed the latter, if he had exchanged talks with the Commissioners, to return home immediately without signing any treaty. That order, and his own determinations, alone induced him to leave the treaty ground and Commissioners.

In witness whereof, I have hereunto affixed my signature.

The statement of Col. Stedham having been made also in the presence of the gentlemen whose signatures are also hereunto affixed as witnesses.

T. P. ANDREWS,  
*Special Agent.*

Correctly written as interpreted by us.

WM. HAMBLY, *U. S. Interpreter.*  
BENJAMIN HAWKINS.

*Witnesses:*

E. P. GAINES, *Maj. Gen. U. S. A.*  
THOMAS TRIPLETT, *Acting A. I. A.*  
E. G. W. BUTLER, *Aid-de-camp,*  
LUTHER BLAKE,  
SAMUEL ROCKWELL,  
JESSE WALL,  
J. A. HASCALL.

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No. 91.

*Tuckabatchee talk to Col. Lamar.*

The Chiefs of Tuckabatchee having been requested by Col. Crowell to make a correct statement of what they said to Col. Lamar, have, in conformity with that request, called upon me to set it down for them.

L. COMPERE.

The following is what was said:

Col. Lamar, on his arrival on the opposite side of the river, sent Charles Cornells to inform the Chiefs that he was there with a message from the Georgia Governor, and would wish to know if he should cross the river and meet them, at that time, in the square, and deliver it to them. The Chief, in reply, observed that he was his friend,

and that he should be glad to see him ; that he was always glad to see his Georgia friends. On his arrival, he was presented with all the tokens of friendship by them.

When Col. Lamar entered the square, the Chief states he did not suppose he had come with a stiff talk, but that he had brought such a talk as he should be pleased to hear ; but, that when he delivered it, he was struck with astonishment, as he did not expect any such message.

When Col. Lamar observed that he had heard that the Indians were going to war, and that he was come to make peace, the chief answered, that he did not know any thing about going to war ; that, after the last war, Gen. Jackson told them they had but a small piece of land ; that they must throw away their guns, and take up the plough, and the hoe, &c. ; that it was now Spring time, and he was thinking about his farm, and not about a war. After the last war, his forefathers told him not to go to war, but to go to farming, to raise corn, and cattle, and hogs, and horses, and to provide for his family in a comfortable manner. That, as to the selling of his land, he did not know any thing about it, for he did not consider any treaty made with an individual would stand ; that he had not heard of his chiefs selling the land, and he did not think it would be a good treaty unless all were agreed to it.

The Chiefs had passed a law forbidding any individual to sell the land ; that this law had been sent to the white people to be published, and that this is all he knows about selling the land ; he does not know that any of the land is sold. When his two chiefs made the law, though they should be dead and gone, it is the law that their children are to abide by.

The talk brought by Col. Lamar, he did not think was the talk of the Governor of Georgia, but was the talk of a red man at the Ocome river.

Pooth-le-ah-hoolah says, that when they met at Fort Mitchell, he went to the Agent's house, and when he was told that the land was sold and gone, that he then charged the Agent with working against them, and that he scarcely had any friendly talk with him all the time ; that he considered he was sent for some other business, and not to interfere with their laws ; that when these were passed, they had the executing of them. And that as to what Benjamin Hawkins is reporting in Milledgeville, it is perfectly false ; for that the Agent knew nothing of their meeting, till after the death of McIntosh.

POOTHLEAHHOOLAH, his x mark.

TUSKEIENEHAU, his x mark.

TUSTENUGGE EMATHLA, his x mark.

OSOOGEE MICCO, his x mark.

NAHAFICSECO, his x mark.

SUANTEE FICSECO, his x mark.

I certify that the within is a true copy of the talk as it was this day explained to me.

L. COMPERE.

May 28th, 1825.

We, whose names are signed, do certify, that this paper contains a true translation of what was spoken by Pooth-le-ah-hoolah.

CHARLES CORNELLS, his x mark.  
JOHN DAVIS.

May 28th, 1825.

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No. 91.

*Gov. Troup to the Chiefs and Head Men of Tookaubatchee and Cussetaw.*

I hear bad things of you. You threaten McIntosh and his people, because they listened to their Father, the President, and ceded the lands to the Georgians. They acted like good and dutiful children. You opposed yourselves to the wishes of your Great Father, who was doing the best for the interests of his red people, and would not sign the treaty ; but this you did, as I believe, under the influence of bad men, who pretended to be your friends, but who cared nothing for you. Now I tell you, take care, and walk straight ; McIntosh and his people are under my protection, as well as under the protection of the United States. If any harm is done by you, or any of your people, to McIntosh or his people, I will treat you in the same way as if you were to come into our white settlements and do the like ; I will pursue you until I have full satisfaction. Do not let bad men persuade you that, because you live in and near to Alabama, you will be safe. If you commit one act of hostility on this side the line, I will follow and punish you ; but I hope there will be no occasion for this, and that you will take counsel of wise and good men, and so conduct yourselves, for the future, as to receive the approbation and protection of your Father, the President, and that I also may look upon you as friends, and treat you accordingly. This message will be delivered to you by my mid-de-camp, Col. Lamar.

G. M. TROUP,  
Governor of Georgia.

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No. 92.

*Declaration of Chiefs concerning the death of McIntosh.*

We, the undersigned, chiefs and head men of the Creek nation, do certify and declare, that we determined, of our own free will and accord, to put to death the chief McIntosh ; and that neither the Agent, John Crowell, or any other white man, were the instigators or abettors ; nor do we know or believe that he, the Agent, knew that we had any such design ; nor did we communicate it to any but a few old and head men. We determined to put him to death for a violation of a law first proposed by him, and sanctioned by the Big Warrior and

Little Prince; and then the different towns were called up, and the lawyers, who had been previously made, (by McIntosh, Big Warrior, and Little Prince,) were directed to put into execution this law against any chief, or other persons, who broke it, however great he might be, even Big Warrior, Little Prince, or McIntosh.

*Question 1.* Where was the law first made, to take the life of a chief of this nation who should sell the land of the nation without the consent of the nation?

*Answer.* On the West bank of the Oakmulgee, at the time the land belonged to them, i. e. Indians.

*Question 2.* Had the Agent have directed you to kill McIntosh, would you have done it?

*Answer.* We would not, for he was not placed here for that purpose.

*Question 3.* Did any white person know it?

*Answer.* No one but James Hutton, who was born and raised in the nation, and considered as one of us, whom we took as an interpreter.

*Question 4.* The chief who commanded the party that executed McIntosh was asked if he told McIntosh's wife, or any other person, that the Agent directed him to do so?

*Answer.* No; and that he did not believe his men had done so; nor had he heard any thing about it; and the chief, after hearing what Chilly McIntosh had said, relative to their shooting at and pursuing him to the river, contradicted it, and said they neither shot at nor pursued him—in short, made no exertions to catch him.

Little Prince,  
Tuskeheneau,  
Pothleoholo,  
Hopihago,  
Yoholo Micco,  
Manorway,  
John Stedham,  
Mad Wolf,  
Jimboy,  
Oakfuskee Yoholo,  
Poas Hadgo,  
Micco Peeke,  
Cusetau Micco,  
Oswече Fixico,  
Tuskegee Hadgo,  
Enehe Emathla,  
Hollock Hadgo,  
Tallaway Tustenuga,  
Osa Hago,

Holatta Tustenuga,  
Neha Thlucco,  
Octiche Ematla,  
Chuckchahadgo,  
Cutchho Mata,  
Cutchho Hadgo,  
Spickhadgo,  
Easfaune Tustanugahadgo,  
Hillaba Tustanugahadgo,  
Cochus Micco,  
Youfke Ematla,  
Charlie Ematla,  
Charles Brown,  
Nocosa Ematla,  
Huchis Micco,  
Talwa Micco,  
Chocote Tustanuga,  
Samuel Manack.

Done in the presence of us.

WHITMAN C. HILL,

CHARLES COUNNELS, his x mark.

Creek Nation, May 14, 1825.



We do hereby certify that the Little Prince was asked in our presence, whether the Agent had any interview with them, i. e. the chiefs or Indians, in the square, or privately, concerning their killing McIntosh. He answered that the Agent never had, publicly or privately, any interview with them on the subject; neither did he ever advise them to it.

ISAAC SMITH,  
WHITMAN C. HILL.

Signed in presence of  
SAMUEL K. HODGES.  
Asbury, May 25, 1825.

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No. 98.

*Note in Chilly McIntosh's hand writing.*

**IN GENERAL COUNCIL :**

This day we, the chiefs, head men, and warriors, in Council, agreed that no person shall sell spirit to any person or persons before the treaty discharge. If found, any person or persons selling spirit shall lose all the spirit and forfeit all the money received this day, 9th December, 1824.

LITTLE PRINCE, his x mark,  
WILLIAM MCINTOSH, his x mark,  
HOPOY-ITH-YARHOLA, his x mark,  
OPOIE HAJO, his x mark.

CHILLY MCINTOSH,  
*Clerk of the National Council.*

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**DEFENCE OF GOL. CROWELL, INDIAN AGENT.**

Major T. P. ANDREWS,  
*Special Agent of the United States :*

In presenting for your examination and judgment, and the final adjudication of the General Government, the testimony collected in refutation of the several charges which his Excellency Gov. Troup, in his official letter of the 31st May, 1825, has deemed it expedient to exhibit against me, as Agent of Indian Affairs for the Creek Nation, I respectfully beg leave to subjoin the following remarks, which, in connexion with the evidence, compose the defence of my official conduct. This defence is submitted under many difficulties and embarrassments of a peculiar nature, arising from the absence of specifications of time, place, and circumstances, and the arbitrary course pursued by a committee of the Legislature—the proceedings of which, were instituted against me by the State authorities, under circumstances evincive of a settled purpose to accomplish the object

of His Excellency the Governor, without much regard to the means resorted to in its attainment, characterised by much rancour of personal feeling and oppression, unusual and unprecedented in a country enjoying the practical blessings of civil liberty, and in a Government boasting of the equal rights of the citizen. A brief reference to the report of this committee will be sufficient to shew that, from the one-sided examination of witnesses, whose evidence is of a character to be excluded from every tribunal wherein justice and integrity presides, this body has come to the settled determination that "the continuance in office of the present Agent of Indian Affairs, hitherto, has been, and, hereafter, will be, greatly to the injury of the State, and that the confidence of a large part of the Creek Nation is now so irrecoverably alienated from him, that it would hereafter be impossible for him to administer and superintend their affairs to their advantage and comfort, even if he was disposed to do so."

This specimen of legislative wisdom, concludes with a request to the President of the United States to remove said Agent from office. This report, marked as it is by injustice, is sanctioned by the Legislature, and approved by His Excellency the Governor. Thus, on the one hand, is presented, in full and imposing array, the Governor of an important member of the Union, actively and vigorously aided by the Legislature, sustaining, with a pertinacity that is deaf to all reasoning, and that is armed against all conviction, the double character of accuser and judge; demanding, upon an ex-parte evidence, the sacrifice of his victim.

While on the other hand, is presented an humble individual, who is accused of crimes of the deepest character, involving perfidy to his Government, and the murder of a fellow being, asking the common privilege secured to the most abandoned culprit, arraigned at the bar of penal justice, of being heard before he is condemned; yet denied the constitutional right of being confronted with the witnesses who are to inculpate him, and of compulsory process for obtaining witnesses in his behalf: nay, the report of the committee, and even the ex-parte evidence thus taken, in violation of every known and acknowledged maxim of criminal jurisprudence, and in contempt of every principle of public justice, is presented to the public, in a variety of forms, in pamphlets, and in newspapers, accompanied by the suggestions of the prejudiced, the malicious, and the designing, and subject to the grave reflections of every commentator, whose feelings or whose interest may be supposed to be involved in the result; fixing thereby a prejudice on the public mind which the most conclusive proof may be wholly unable to remove. Superadded to all this, is the withholding from me a knowledge of the testimony collected by the State Commissioners in the Indian Nation, and in Alabama. Under all these appalling difficulties, I am about to maintain a conflict, perhaps an unequal one, with my accuser. Indeed, when I estimate the vast difficulties by which I am surrounded, and the no less vast weight of prejudice whose well known influence upon the human mind is every day felt and acknowledged; when I reflect that against injustice, when armed

with power and determined on oppression, innocence forms but a slender shield,—since the strongest proofs are heard with indifference and the clearest reasoning often urged in vain—I am almost tempted to bow with humble resignation to the mighty power by which I am assailed. But, when my mind is refreshed with the enlivening recollections, that injustice cannot long oppress the innocent in our happy country; that no prejudice can contaminate the purity of those who are to pass between my accuser and myself; that no extrinsic circumstances can cloud their reason or pervert their judgment; I feel, in these recollections, an assurance that no difficulties, like those I have mentioned, will be suffered to seduce that judgment which is guided by truth and swayed by justice. The opinions I may advance, and the observations I may make, will be submitted in the spirit which belongs to one who has a lively sense of the injustice of which he has hitherto been the victim; yet they will not be dictated in terms of recrimination. I trust I have a juster conception of what is due to the Government of my country, and a higher respect for its character, than to follow the striking example which my accuser has placed before me. It is hoped this defence will receive that consideration to which it is entitled. It is believed that the arguments which I have called to my aid, will be received with liberality, and, if they are judged to be unetable, or unsupported by facts, such a denunciation will be the result of impartial investigation and dispassionate judgment. On every discussion, and, perhaps, more so in this, than in any other, it is important that the *true state of the question should be correctly understood*, to ascertain whether the thing is, and how it is? Acting under the influence of this observation, it is conceived the true questions to be presented for consideration, are these:

*First.* Whether there existed a predilectioned resolution on my part, to prevent the Indians, by all the means in my power, from making any cession of their lands in favor of the Georgians, and this from the most unworthy and unjustifiable of all motives?

*Second.* Whether I advised and instigated, in chief, the death of McIntosh and his friends?

It will be perceived that the two specific charges, exhibited by his Excellency the Governor of Georgia, are fully comprehended in the foregoing questions; the consideration of which will necessarily involve the following points:

1st. The motives which influenced his Excellency in making the charges against me.

2d. The course pursued in collecting the evidence.

3d. The character and weight of evidence adduced in support of each charge.

4th. The means used in effecting the late treaty, as illustrative of the exciting causes which produced the execution of McIntosh and the others.

5th. The uniform tenor of my conduct, as deduced from the evidence collected during the investigation.

Pursuing the order marked out, I will proceed to inquire concerning the motives which influenced my accuser in making the charges.

ges against me. If this inquiry should result in the exposition of motives entirely of a personal nature on his part; who, taking advantage of his high station, as the Chief Magistrate of a State, has, on this occasion, sought the gratification of *personal feelings of resentment*, which he causelessly entertains against me—then I humbly apprehend the high authority whence these charges emanate, will be disregarded, and its consequent influence be entirely destroyed. But, if the contrary should appear; if his Excellency is indeed actuated by those *noble impulses*, which characterizes the conduct of him who becomes a public accuser, to subserve the ends of public justice; then every adventitious aid, which his high station and influence of office can give him, should weigh much in the investigation. With this view I will proceed to the inquiry.

By reference to the documents accompanying the Governor of Georgia's message to the Legislature of that State, on the 23d of May last, and to which I respectfully invite your attention, enough will be shewn to satisfy every mind that the motives of his Excellency in becoming my accuser, have a deeper foundation than the alleged misconduct imputed to me by the charges. Abundant proof is there furnished to establish the first point. Commencing with Governor Troup's letter to the President of the United States, dated Milledgeville, 23d December, 1824, the former takes occasion to remark, that "circumstances have transpired of late to make an impression that, in connexion with the conference just held with the Creeks, there has been bad conduct somewhere." "My own information," he proceeds to state, "had before fixed it where the responsibility of it ought to rest. Of the correctness of this you will judge, after hearing the clear and frank exposition which will be made to you, as well as to the Georgia delegation, by Col. Campbell." His Excellency declining to give a more detailed account of this "information," it would be difficult to ascertain on whom it had fixed the "responsibility," if it were not for subsequent expressions contained in the same letter. "A treaty," he remarks, "can be immediately signed upon the conditions which will be disclosed by the Commissioners; any other plan to effectuate the object in which the *participation or interference of the Agent is permitted*, will undoubtedly miscarry."

Now, it is obvious to every just mind, that, when his Excellency imputed the failure of the negotiation at Broken Arrow to "bad conduct somewhere," and gave it as his undoubted opinion that, if the "participation or interference of the Agent is permitted, any other attempt would undoubtedly miscarry," that the responsibility referred to, was intended by him to rest upon *my* shoulders, and that he intended to induce such a belief in the mind of the President. If then such were his intentions, how can he reconcile it to those notions of propriety which are presumed to actuate a public accuser, in withholding the source of this information? Why, it may, with the most perfect propriety, be asked, why did he withhold the particulars of this information, when, if he had disclosed these particulars, it might have been shewn that such information was unworthy of a moment's consid-

deration; or that a different person than myself was intended to be implicated? But, since it may be inferred from his expressions, "of the correctness of this you will judge after hearing the frank and clear exposition which will be made to you, as well as the Georgia delegation, by Col. Campbell," that his Excellency intended to be understood, that the information came from Col. Campbell. Under this view, it may be necessary to refer to the Governor's letter of the 9th December, 1824, sent by express to the Commissioners at the Indian Springs, in which he desires certain information concerning my conduct "in relation to an Indian council held in the Spring;" also, to the reply of the Commissioners, dated 14th Dec. 1824, in which they decline specifications in their answers, except by remarking, that, "for some time past, the Cherokees have exerted a steady and officious interference in the affairs of the Creeks; that this has derived additional impulse;" and adding, that they were then "encountering a daily interference, most active and insidious;" assigning as a reason for not furnishing the information asked for, that they "might, for the present, weaken the means of which they hope successfully to avail themselves," and refer their answers to a "time more seasonable." Now, since it is apparent that I am no "*Cherokee*," and consequently not included in the appellation, and since I am not implicated in any part of this letter, it would seem to follow, that his Excellency received no information from that source by which I could be implicated, unless, indeed, his mind, already clouded by prejudice, should have lingered over the words in the letter, "daily interference," until an impression had been created that these words referred to me. It may also be inferred, that perhaps Col. Campbell, at a subsequent period, availed himself of the more "seasonable time" mentioned in the letter, to furnish the information desired by his Excellency, particularly as the "failure," being the contingency upon which that communication depended, had taken place. Having no means of ascertaining what took place at their private interview, except what may be inferred from the after statements of Col. Campbell, in his letter to the War Department, of the 14th January, 1825, in answer to one from that Department, calling for explanations, and dated the 13th of the same month, I will barely refer to it. In that letter, Col. Campbell expressly states that he "cannot consent to become my accuser," and that the withholding the facts from the Governor was "intended to have its operation on Captain Walker, and to be made the price of his co-operation;" that the allusion contained in the words "daily interference," was to Captain Walker; "and," Colonel Campbell adds, "this is the individual whom we intended to designate." It is not conceived that Col. Campbell would so far commit his character for veracity, as to furnish, on the 23d December, the information alluded to by his Excellency, and on the 14th January thereafter, should decline to become my "accuser;" especially as Col. Campbell was the bearer of his Excellency's letter of the 23d December, and was doubtless acquainted with its contents. His Excellency, then, is involved in this dilemma: either he withheld the source of his information from

the President, under a conviction that its authority would be doubted, and therefore so worded his letter as to *induce a belief* that it had come from Col. Campbell ; or, he has substituted his own inferences and conclusions, in the place of the information actually furnished.

Much may be said of the ingenuity of such a procedure, but little in favor of its justice. Returning to the examination of his Excellency's letter of the 23d December : The existence of the feelings of personal hostility by which he seems to have been influenced, is further discovered in the harsh expressions which his Excellency has thought proper to adopt in reference to myself. After adverting to a circumstance in connexion with the "proceedings and decrees of a council of Indians," and after asserting that those decrees, of the most "adverse character," were registered in the "archives of the Agency," as if a registry of them flowed as a necessary consequence from their enactment, (which assertion, by-the-by, does not comport with the fact,) he proceeds to remark, in reference to a council of Indians, that the procedure could not have been had "without the knowledge or consent, or connivance, or command, of your own Agent, was certain, and this is most certainly established."

I will pause here to inquire, where is the evidence upon which this certainty so conclusively rests ?

In ordinary cases, an assertion, so positively made, implicating the official conduct of an officer of the Government, places the person making it under a moral obligation to adduce the evidence on which it is founded. Whether his Excellency considers himself under this obligation or not, I am wholly unable to say ; but certain it is, he has hitherto withheld this evidence, if indeed any ever existed, from the public eye. To proceed with the letter.

He then reminds the President, that of this "most perfidious, treacherous, and boldly insolent conduct, you had timely and sufficient warning, by a communication which I had occasion to make to the Executive Department some twelve months since, and which was answered by the confirmation of this man in office." "And this communication (he remarks) was made with the foreknowledge that he (the Agent) would so uniformly deport himself, whenever the interests of Georgia were involved ; and with the intent solely that you, as well as ourselves, foreseeing the evil, might remove it with the least delay, as well as the least inconvenience." His Excellency's denunciation of my conduct as most "perfidious, treacherous, and boldly insolent," arises from a vague inference of his own. Because the Indians held a council, and because they passed decrees at that council, he infers that those decrees are registered in the "archives of the Agency ;" and from that inference he draws another, which is, that this procedure could not have been had without my "knowledge, or consent, or connivance, or command."

Now an inference from a fact is allowable, provided the fact itself is previously established ; but an inference from a fact *not established*, and an inference from *such inference*, is waging war against all the rules of logic, and all the dictates of justice. Much less intelligence

than justly falls to the lot of my accuser, it appears to me, would have shown him the obvious impropriety of referring to the communication made to the Executive Department "some twelve months since." Asking a particular reference to that document, which is to be found on the files of the Department, appended to the memorial of a Mr. Capers, I here will take leave to remark, in relation to its contents, that his Excellency felt himself called upon, in the harshest terms, to pronounce me unfit to be Indian Agent, as he himself alleges, upon the authority of "rumor" alone, professing to know nothing personally of my character; and yet he says, in the letter above quoted, that the "communication" was made with the "foreknowledge" that I would "uniformly deport myself adverse to the interest of Georgia;" and that that communication was intended as a "timely and sufficient warning." Now a reference to that document will shew that it related to a different and distinct transaction from that about which he was writing to the President, no ways connected with the subject of the treaty, or the land. Whence, then, could his Excellency have derived this "foreknowledge?" and how is it possible he could have intended it as a "timely and sufficient warning," and how much less possible is it that he could have written the letter "with the intent only" that, "foreseeing the evil," it might be removed? After what has transpired in regard to the letter which he addressed to the Executive "some twelve months since," it is by no means strange that he should again descend from the exalted station to which his merit or his fortune has elevated him, to become my accuser upon the authority of evidence one degree removed from rumor, but equally weak in its character and application. Apparently not satisfied in attempting to prejudice the mind of the President against me, and to procure my removal, in the letter just considered, his Excellency's next object seems to be, to infuse a portion of the poison in the minds of the Georgia delegation. Accordingly, on the 15th February, 1825, he informs them that, "from what I have learned, unofficially, of the late conduct of the Agent at the Indian Springs, his hostility to the interest of Georgia has suffered no abatement. I can (says his Excellency) by no means vouch for the accuracy of the reports connected with it. The Commissioners must know, and, if founded in truth, the delegation will be satisfied, that the Agent will leave no efforts uncessary to detain the Creeks in their own country to the last hour limited by the treaty, if he be longer continued in office." He then adds, "McIntosh and all his people are willing to hurry away. The Agent can retard and detain them by a multiplication of obstacles, which will be insuperable to them." It is worthy of remark, that the unofficial information which his Excellency professes to have received, and which he is so desirous to convey to the Georgia delegation, was of such a questionable character, that he could by no means "vouch for its accuracy;" yet he is willing to embody it in a letter to the Georgia delegation, and becomes the organ of its currency and circulation; and although he is apparently so extremely unwilling to vouch for its accuracy, yet, upon a bare supposition, a remote probability of its accu-

racy, he proceeds to give it as his opinion, that, if I am continued in office, I can "retard and detain the Indians, by a multiplication of difficulties, until the last hour limited by the treaty; and that these difficulties are of such a character as to become insuperable." Here seems to be a strong desire manifested to effect my removal *at all events*; and as an additional incitement to the Georgia delegation, in Congress, to use their influence for the attainment of that object, they are reminded, in conclusion, that they "are much concerned in the removal of the Creeks." Indeed, it is difficult to conceive of a more effectual method by which to accomplish a favorite object, than is here resorted to by his Excellency for the purpose of effecting my removal; and it proves, to my mind, that there is no report, however unstable, or rumor, however vague, whether the offspring of inventive malice or not, which my accuser would not arrest in its way to oblivion, and despatch to Washington, to be placed in the scale against me.

Proceeding in the examination, I next refer to his Excellency's letter of the 17th of February, 1825, also addressed to the Georgia Delegation at Washington, and immediately following his of the 15th of same month. By a strict examination of that portion of its contents which relate to the present inquiry, and comparing therewith the report of Col. Williamson, to be found annexed to the journal of the Commissioners, it will be found, if I err not, that his Excellency, in his eagerness to effect my removal, has lost sight of those attributes which elevate man in the scale of being, and approximate him to his Creator. Unless I am much deceived, his Excellency has, in his pursuit of an object which appears to have occupied his waking hours, and, I would infer, has disturbed his *sleeping ones* also, grossly committed his justice in this matter.

The letter referred to, commences by stating that, "what was stated "in my letter of the 15th, in relation to the conduct of the Agent at "the Indian Springs, as rumor, is confirmed as *matter of fact*. "Professing good intentions, and tendering hearty co-operation to the "Commissioners, he was secretly engaged in undermining them." And, after informing the delegation that the Chiefs were all, except the Tuckabatchee ones, ready to sign the treaty, and that while the Commissioners were occupied in preparing it for signature, he reports that the "Agent ordered a portion of them to depart by night;" that Col. Williamson was despatched in pursuit of them, to advise them to return; "and when it was asked, (says his Excellency) why "they had thus precipitately turned their backs upon the Commissioners, on the eve of the signature, their answer was, one and all, "by order of the Agent." Now, if this statement of his Excellency, which he gave two days before as rumor, for which he would not vouch, be in truth confirmed as matter of fact; if in truth I did give the order for the departure of the Indians, *under any circumstances*; then, indeed, should the act be branded with the epithet "perfidious;" then, indeed, he stands justified before the world, to his constituents, and his God, for all the observations and opinions he has so lavishly bestowed upon me, and all the persecutions to which he has subjected



me. But, if it should appear that those assertions are entirely without foundation ; if it should be made manifest that the Chiefs who had left the treaty ground, as represented by his Excellency, gave no such answer as stated in his letter ; if it can be shown that, instead of "one and all answering by order of the Agent," not "one of them" gave any such answer; if this should appear, too, from an examination of the report of Col. Williamson ; if, in truth and in fact, these Chiefs departed by order of Poethly Yoholo, one of the Chiefs of the Muscogee Nation, and Stedham, the Chief of the Suwagalow Town ; what, then, shall be said of a man, occupying an exalted station, and at the head of a State Government, laying aside all those high feelings which are supposed to influence the conduct of those whose object is justice, and descending to become the vituperating retailer of rumors, without any foundation, and solemnly and officially attesting to the truth of a statement as "matter of fact," which, in truth, has no existence ; thereby giving to it the weight of his authority and sanction, and be the organ of its circulation, with the express intent to destroy the confidence of the General Government in one of its officers? To shew that this is not merely hypothetical, I will proceed to the proof. Reference to the report of Col. Williamson, which states that he, Col. Williamson, two days before, taking with him two intelligent half breeds, proceeded after the Indians who had departed ; that, after progressing upwards of twenty miles in pursuit, he "met a Cowetau Indian, who, upon being questioned, stated that he met Tuckabatchie Hadjo, a Cusseta Chief, who told him that they had left the treaty ; that Colonel Stedham had told him to go—Hambly said so." The report then goes on to state, "that, a few miles onward, he overtook the son of old Tuskehenehaw, who stated that the over night Col. Stedham came to the camp, and took his father out, and, in their absence, he fell asleep. This young man referred Col. Williamson to another Indian who was travelling with him. This Indian stated to Col. Williamson, that, in the night, a white man came to the camp, and called out Stedham: it seems they conversed some time. At the close, Stedham returned and said he should be off." The report then proceeds to state, that search was made for Tuckabatchie Hadjo, who, upon being questioned by Williamson, acknowledged that he had made the statement to the young Indian. He added that Hambly had told Stedham to go, and to take old Tuskenah with him. The report then proceeds to state the examination of another Indian, Ossapoche, confirmatory of the statement of the others. Williamson, after seeking old Tuskenah, at length found him, according to the report, "extremely indisposed to a full disclosure;" but, upon being questioned, he acknowledged that Stedham had said that the order came from Hambly, and, finally, to use the expression of the report, "implicated Poethly Oholo ;" that this National Chief came to the camp and told him to go. The fact that these Chiefs, head men, and warriors, who departed, were sent away by the order of Poethly Oholo, without the knowledge of any white man, is established beyond all dispute, by the solemn declaration of the Chiefs

in Council, made to General Gaines, by the certificate of Stedham, and by the testimony of Hambly, hereafter referred to. It will be seen, from this report, that there is not the most remote intimation that "the Agent" had any thing to do with the departure of the Indians, as alleged by his Excellency, or even knew of it; but that the object of the whole report seems to be, the "implication" of Hambly and Poethley Oholo-alone. Referring this report to another branch of the defence, it is merely introduced here with the view to establish the fact that the Agent did not give the order as alleged. It will be borne in mind that this report was made by Williamson, to the Commissioners, on the 14th of February, at the Indian Springs, fifty miles distant from Milledgeville; and, on the seventeenth of the same month, his Excellency writes his letter furnishing the Georgia Delegation, at Washington, with the information, that, what he had stated on the 15th, on rumor, in relation to the conduct of the Agent at the Indian Springs, was "confirmed as matter of fact." It will also be recollected, that his Excellency names Col. Williamson, as having been despatched after the Indians, and goes into other particulars, which proves his knowledge of the report. Now, these facts, taken in connection with others, that he kept up a constant communication with the Commissioners at the Springs, inferable from the repeated expresses sent by him to the Commissioners, laden with questions concerning my conduct; that this report forms a part of the documents to which the Special Agent is referred, in the communication of the 31st May, to Major Andrews, preferring charges against me; and that his Excellency's letter was written after an interview with Col. Campbell, who was the bearer of it; all these facts, I say, furnish evidence, not to be rebutted, that his Excellency must either have had a copy of the journal of the Commissioners, including the report of Williamson, safely deposited in the archives of his Department, when the aforesaid letter was written, or knew of its contents from Colonel Campbell. Thus, it is apparent that his Excellency made his statement to the Georgia Delegation, with a perfect knowledge of the contents of this report, and yet he deliberately alleges to the Georgia Delegation that the Indian Chiefs departed, as they "one and all declared," by "the order of the Agent." Now, is it not established beyond all controversy, by the report, that the Indians who did depart while the treaty was preparing for signature, *did not go* by the order of the Agent? And, if his Excellency has any evidence of the correctness of his allegations in this particular, or of the "rumor" being "confirmed as matter of fact," he has hitherto most sedulously kept it back; which course is rather a strange one, considering the extraordinary solicitude always manifested by his Excellency to procure inculpatory evidence against me. That he had no warrant for the allegations made by him on the 15th and 17th of February, is most manifestly established, and that he has uniformly exhibited an assiduity unequalled, in creating a prejudice against me, cannot be doubted by those who have perused, with ordinary attention, the documents presented by himself to the public.

What confidence, then, can the Government place in those allegations, or in the statements of a man who resorts to these means to crush an officer of the Government? And what stronger evidence can be added, than that which he himself has thus furnished, to prove the existence of these motives which I have attributed to him throughout this investigation? It cannot be necessary to adduce other expressions, or quote other extracts from his official correspondence, to establish the temper with which his Excellency, and those under his immediate influence, have conducted this persecution. Yet it is in my power to enforce the view I have taken of this matter, by reference to his Excellency's letter to Mr. Forsyth, of the 6th April, 1825; his message to the Legislature of 23d May, 1825; his correspondence with the War Department, and with the Special Agent; by many illustrations, by an examination, in detail, of the above designated official documents; and more expressly by the repeated and urgent request of his Excellency, that I should be suspended from the functions of my office. But it cannot be necessary. If I am wrong in ascribing to his Excellency the motives I have done for his persecutions, the evidence of my senses have deceived me, and the error is incurable.

*The course pursued in collecting the testimony betrays a spirit and purpose, on the part of those to whom this matter was entrusted, in close alliance with those manifested by his Excellency. A brief history of the transactions cannot fail to present it in a proper light. On the 23d of May, 1825, his Excellency, in his message to the General Assembly of Georgia, calls the attention of the Legislature to the conduct of officers in the pay and confidence of the General Government in relation to Indian Affairs; upon which a joint committee is charged with the matter, and this committee is clothed with power to coerce the attendance of witnesses; they accordingly enter upon their duties, and, what is somewhat extraordinary, their attention is exclusively occupied in collecting testimony only of an inculpatory character: this is evident from an examination of the testimony accompanying the report. This ex parte evidence, thus taken, without giving the accused an opportunity of cross-examination, of being confronted with the witnesses, or of being informed of the charges which are to be thus investigated, forms the foundation of the report of the committee, which, in due time, makes its appearance in the form of a pamphlet, and is circulated through the country. Is it not a little singular, that such a course was pursued in this business, if the object of the committee had been to arrive at the truth, or if it had the principles of justice steadily in view? But it is remarked by his Excellency, in his letter of the 20th June, 1825, to Major Andrews, (to be found in the newspapers published by order of his Excellency,) that there is abundant time for confrontation with the witnesses against the Agent, "when, after the finding of a true bill, he shall be arraigned at the bar of justice." From this it would appear, that it is intended to assimilate the proceeding of this committee to the finding of a "true bill" by a grand jury, in the ordinary course of criminal jurisprudence.*

It is not conceived how the similitude can exist, since it is unusual for a Grand Jury, in finding a true bill, to ask for judgment against the accused, before a hearing, or to publish the testimony upon which the "true bill" is founded. To prove that this judgment was asked to be awarded against me, by this Committee, it will only be necessary to advert to that part of their report, in which it is distinctly requested "of the President of the United States, to remove the said Agent from office." This proceeding differs from the proceedings of a Grand Jury, in another important particular; in this: that a grand jury is bound by the solemn sanctions of an oath, the terms of which distinctly oblige every member of that body, to exclude from their minds every feeling of "envy, hatred, and malice," on the one hand, and "fear, favor, affection, reward, or a hope thereof," on the other; while the Committee are bound by no such obligations. Again, a Grand Jury pass, in finding "a true bill," only upon the truth or falsehood of allegations, alleged with all legal certainty as to time, place, manner, and circumstance, while the Committee believed itself competent to take a range in the investigation, limited only by the inclinations and views of its members, and felt unrestrained in inculcating other persons, whose connection with the Agent, whether remote or intimate, was presumed to have a bearing on the matters under investigation. Thus, it would seem, the similitude sought to be created between those two bodies, does not exist. It is apparent that, in whatever light this proceeding of the Committee was viewed by his Excellency, in the letter referred to, it never could have entered into the views of the Committee, that I should have the opportunity of being confronted with the witnesses, whose testimony was thus obtained. This conclusion gains additional strength, from the total disregard with which the Commissioners of his Excellency (subsequently appointed to take testimony) have treated my request, made to them through my counsel, as appears by a certified copy of the letter which Maj. Rockwell handed, on the 4th of the present month, to them, in which they were respectfully requested "to cause those witnesses who were examined before the Committee on the state of the Republic against me, *ex parte*, to be convened at some convenient place, in Georgia, at an early day, for the purpose of enjoying the benefit of cross-examination." While on this subject, it may be necessary to remark, that the contempt manifested to this request of mine, but ill comports with those observations of his Excellency, in his letter to Maj. Andrews, before referred to, denying that any disposition exists with himself, or others, "to withhold from the Agent the most ample means of justifying himself to his Government," and asserting "that it will give them pleasure, at any time, to contribute aids and facilities to (his) the Agent's defence," and induces a conviction, that, while the utmost fairness and tender regard for justice is *professed* by the authorities of Georgia, in relation to myself, a course directly adverse is actually *pursued*: and this remark is likewise applicable to the course pursued by the Commissioners above alluded to, while in the Creek Nation collecting testimony there, and in Alabama, against

me, as a brief history of their proceedings, in connection with this subject, will show.

When I became first acquainted with their appointment and objects, through my counsel, who casually heard of the appointment, previous to his setting out from Milledgeville, I immediately addressed them a letter, dated at the Creek Agency, June 20th, 1825, a printed copy of which I annex to this defence, stating to them, that, "although I had not the privilege extended to me by the Legislature and Governor of Georgia, which is granted the culprit on his trial," yet, "being desirous of affording my accuser the full benefit of a cross-examination of the witnesses to be adduced in my behalf," I accordingly gave them an invitation to cross-examine my witnesses, upon the receipt of which, they tendered to me a like invitation, in their letter of the 25th June, 1825, (annexed to this defence;) and, on the 28th of the same month, they addressed me another letter, which I received at 7 o'clock in the morning, as appears by the statement of my counsel, hereunto annexed, in which they inform me, that they should "proceed, on that day, at eleven o'clock, at the house of Kendall Lewis, to take the testimony of Kendall Lewis and James Moss; and, from thence, they would proceed, forthwith, to Line Creek, and, from thence, to Alabama, to take the testimony of witnesses at the two last named places." The reasons why I was unable to avail myself of this polite invitation, are given in my reply to this letter, of the same date, and also hereunto annexed. In that reply, I stated, that their letter is received, announcing *their* intention to proceed to take the testimony of Moss and Lewis, at Mr. Lewis's, at eleven o'clock that day, "a distance of twenty-six miles" from Princeton, where we then were. I then informed them that, "understanding that two of your body set out in the direction of Lewis's yesterday afternoon; believing that you were apprised that Moss was in the vicinity of this place, in the morning of yesterday, and knowing that my counsel, Major Rockwell, apprised Mr. Torrance, in your presence and hearing, that it was our intention, this day, at the breaking up of the Council, to take the testimony of several witnesses; to which arrangement there was no objection; under all these circumstances, I must be permitted to remark, that it seems, while you are willing to make a parade of fairness in the manner of procuring testimony against me, while you have, in a formal communication to me, offered me the privilege of cross-examining the witnesses, to be found in the Indian nation, you take such measures as effectually puts it out my power to avail myself of the offer: holding the word of promise to my ear, and breaking it to my sense. Considering the manner in which that offer was made, being evidently drawn from you, by my invitation to you to cross-examine my witnesses, I am constrained to believe, that you never seriously intended that I should enjoy the advantage of a cross-examination, and, that your offer was merely a hollow pretext to answer some hidden purpose." In that letter, it is further stated to them, that "they were doubtless well apprised, that the Council met that day, and that it was of much importance that I should be present. That, from what fell from some of you, at Mr.

Smith's, and from what took place between you and the General, I expected that you deemed it of importance, that you should attend the Council also. With what propriety, then, (I inquired,) could you communicate your intention to me, to take testimony at Lewis's, Line Creek, and at Montgomery, if you *were sincere* in your invitation to me, to be present and cross-examine those witnesses ;" and, I concluded by remarking, that "I had hoped, that the spirit of persecution and oppression, by which your Governor is actuated towards me, would not have influenced his representatives ; but, the course you have pursued satisfies me that *that* hope is illusive." In another letter, of same date, also hereunto annexed, from me to them, I apprise them, specifically, that I shall proceed to the examination of certain witnesses therein named, at a certain hour, at my room. In the course of the same day, I received a letter, also hereunto annexed, from two of the Commissioners, in answer, denying, in the most positive terms, the notice to Mr. Torrance having been given in their *presence or hearing* ; and stating that they were unapprised of any such intention on my part. They also informed me, that the invitation to me, is given by the express direction of his Excellency the Governor. In this letter, an occasion is also sought to remark, "that they were instructed to say, if required, that 'reasonable time would be given' for my arrival at Lewis's ;" they then decline to attend the examination of my witnesses, at "my room" expressing the great "delicacy of their situation," of attending the examination of witnesses in my "private apartments." Now, in reference to the invitation to take testimony at Lewis's, Line Creek, and Alabama ; it will be borne in mind, that there were four of these Commissioners ; consequently, they were enabled to avail themselves of this circumstance to their advantage, by dividing themselves and going in different directions, in search of evidence ; this they did not fail to turn to their advantage, as will be seen by their letter, above referred to. Two of them set out for Lewis's, Line Creek, and Alabama, taking care to give themselves sufficient time to get there and take the testimony, before it was possible that myself or counsel could arrive ; leaving directions with their two colleagues, not to give me notice until the day after their departure ; thus, my counsel and myself had four hours, from seven o'clock until eleven in the morning, to go twenty-six miles to enjoy the *gracious privilege* granted to me with so much apparent fairness, and which had been so liberally extended, of cross-examining the witnesses, and then, "forthwith," to proceed to Line Creek, a distance of seventy miles, and to Montgomery, and that too, after my counsel had apprised one of them, Mr. Torrance, of my intention to take the examination of several witnesses, as appears by the statement annexed ; and at a time, too, when my presence was essentially necessary at the Council of the Creek Nation, where testimony was also to be procured. What was I to understand from this course, but that they were by no means "*sincere*" in their invitation, and that some hidden purpose was to be accomplished by so extraordinary a procedure ? Did it not clearly evince a management, pre-

concerted and matured, by which they would be enabled to hold forth to the world a show of fairness and a pretended love of justice, and, at the same time, to withhold from me all the benefits of a cross-examination? And yet, this invitation to me was in accordance "with his Excellency's instructions!" If I had not before been fully sensible of his Excellency's desire to do me justice, as manifested on various occasions, this signal instance, furnished me by the Commissioners, in allowing me the ample time of four hours to go twenty-six miles, and then enjoy the benefit of cross-examination, would have been calculated to remove all doubts. In directing the attention to the letter of two of the Commissioners, Messrs. Williamson and Jourdan, I am particularly struck with the remark denying all knowledge of the notice given to one of their body, by my counsel, and that they were not present. Now, when the remark in my letter was made, it was believed that they were all in the room; whether they were so or not, cannot be material, since the fact is established by the statement of my counsel, hereunto annexed, that the notice was given to one of them, Mr. Torrance, and he composing one of the two that subsequently went to Alabama to take evidence, and that the remaining two men not apprised of the motive by their colleague, forms no excuse for the course pursued by the others, when at least one of them was apprised of the fact.

Upon my complaining of the shortness of the time allowed to be present at the examination of Lewis and Moss, it is replied to me, that they, the two Commissioners, "were instructed, if required, to say that a reasonable time would be allowed [me] to attend at Lewis's:" the *peculiar value* of this information may be estimated, when it is recollected, that the letter conveying this information to me, was received *long after* the lapse of time limited to take the testimony. Passing over a considerable portion of this letter, relating principally to their opinions and conceptions, which were incorporated therein, for the most obvious purposes, I will barely notice, in passing, the remark, that "the delicacy of their situation" prevents their attending at my "private apartments" to witness the examination of my testimony. Now it is impossible to perceive, from the remark itself, whence this "delicacy" could arise, when it is notorious to all those who were there, that the building which they chose to designate as my "private apartments," was, in truth, and in fact, in the occupation of several persons besides myself, and was the only convenient place for miles, at which to examine witnesses; these facts these gentlemen well knew. I am, therefore, constrained to believe, that the reason assigned, was not the true one, by which they were influenced in declining to accept of my invitation to be present at the examination of the witnesses; and this belief is greatly strengthened by the additional fact, that they attended afterwards, at the same place, the examination of Hambly, Srells, and others. By reference to the statement of my counsel, Major Rockwell, hereunto annexed, it will be found, that these Commissioners were not satisfied with "holding the word of promise to my ear, and breaking it to my sense," but

that they were also determined I should not even be permitted to see and examine the testimony that was taken by them in the nation, and in Alabama. The statement is this. My counsel desired to be permitted to see the testimony which two of the Commissioners had taken. It was replied, by one of the Commissioners, that the testimony, to the examination of which I had been invited, could not be shewn to me, or my counsel. Whence all this mystery, this pertinacious adherence to a system of persecution, if the object was, that "aids and facilities" were to be afforded me in this investigation; nay, if the ordinary and most common civilities were intended not to be lost sight of? And yet, his Excellency remarks, much pleasure will be taken to contribute those aids and facilities in his (the Agent's) defence! And although many days have elapsed since those Commissioners made their report to his Excellency; and although it is known to him, that I have been at the Seat of Government for days, yet, up to this time, I am entirely ignorant of the import of the testimony taken in the nation, and in Alabama, by the Commissioners. Now, the withholding of this testimony, may comport with his ideas of justice, and may be in accordance with his declaration, that "no disposition exists to withhold from the Agent the most ample means of justifying himself to his Government," yet, according to my weak perception, the course pursued is but an indifferent mode of establishing that the "indisposition" does not exist. The Commissioners, in their letter of the 25th June, 1825, addressed to myself, and before referred to, I am, for the first time, apprized, that I "would have been permitted to be present and cross-examine the witnesses before the Committee of the Legislature, had a request been made." Considering the source whence this information comes, the time when it was given, and its import, it was of the utmost importance to me, since it is evident, that, coming as it does, after the report of the committee is accepted by the body creating it, and after the dissolution of the creating power, I had an ample opportunity of availing myself of the information, by making the request. Indeed, from what took place on that occasion, I have little doubt, if I had preferred the request to be heard, and thereby admitted the right of the committee to inquire into my conduct, judging from the declarations of the examining member of this committee, (Colonel Lumpkin,) it was not intended I should have been heard before that body; consequently, I have no doubt such a request would have met with a decided refusal. Thus, it will be perceived, that the course pursued by the committee, and by the Commissioners, subsequently appointed, has been characterized by all that warmth of temper and disposition to oppress, that discourtesy, and disregard to justice, which has so eminently distinguished the whole course of their part of the investigation; but it should not be accounted singular, since the disposition of his Excellency has, on so many occasions, manifested itself, and, since it would, perhaps, be requiring too much to expect that those bodies would depart from the example set before them. It is said, example is more powerful than precept; a truth.



strikingly illustrated in the above proceedings. I think I can discover a maturity of purpose on the part of the committee and the State Commissioners, to condemn first, and try afterwards, and that, too, on *ex parte* testimony, taken in violation of all the known and established rules of evidence. That this determination is approved of by the Supreme Executive Officer of Georgia, is manifested by the observations made by him in his letter to Major Andrews, above referred to. "If, (says his Excellency,) instead of passing on the guilt or innocence of the accused, I had been stating my belief, from the evidence even now disclosed, and *ex parte* as it may be, I would have said, without hesitation, that, with respect to the one charge, I believed him guilty of that beyond the possibility of refutation; and, that with regard to the other, he was so far innocent only, as he was not present, at the time and place, inflicting the blows with his own hands." I have said the purpose of the committee and Commissioners, in condemning first, and trying afterwards, is approved of by his Excellency; this approbation is inferred from the letter above quoted, since it is conceived that he is not at liberty to condemn, in others, that of which he has himself furnished the example.

Pursuing the order prescribed, it now becomes necessary that I should examine the character and the *weight* of the evidence adduced in support of each charge. In order to do this, with any regard to perspicuity, it will be necessary to consider the character and *weight* of the evidence. In reference to the first charge embraced in the question, whether there "existed a predetermined resolution on my part, to prevent the Indians, by all the means in my power, from making any cession of their lands in favor of the Georgians, and this from the most unworthy and most unjustifiable of all motives;" and, second, in reference to the second question, whether I "advised and instigated, in chief, the death of McIntosh and his friends?" which comprises the second specified charge: In pursuing this course, it will be necessary, occasionally, to refer to the report of the committee, and the testimony collected in my behalf. The first charge sought to be established against me, is, a **PREDETERMINED RESOLUTION** to prevent the Indians, by all the means in my power, from making any cession of their lands in favor of the Georgians, and this from the most unworthy and most unjustifiable of all motives. The testimony adduced, in support of this charge, is, first, the evidence of Colonel Campbell, who says, upon being asked concerning his "belief," touching my being inimical to the interests of Georgia, and the *policy* of the General Government, as connected with a cession of Creek territory, "I cannot resist the belief, that he (the Agent,) was opposed to a *treaty*. I had a conversation (says the witness) with him (the Agent) in November, 1823, just after the Commissioners had returned from an unsuccessful mission to the Cherokees: we had both been disappointed in our wishes and calculations, as to the result of the Governor's election, and expressed to each other that disappointment in terms of feeling and regret. In the course of conversation, we spoke of the prospect of a negotiation

with the Creeks for a cession of territory. The Agent observed, in substance, that he had had the thing fixed, and, *I think*, added, that we should have got the land below the Federal road. He advised me to resign my appointment as United States' Commissioner, intimating that the result of the election had operated a change in his feelings in that regard. The conversation was desultory, and, regarding it as the expression of the moment, it did not impress me so strongly as that I am now enabled to make a more minute detail. I did not consider these declarations, at the time, as evidence of settled hostility to the interests of Georgia, and the policy of the General Government, or of a disposition decidedly inimical to a cession of territory by the Creeks. On this account, I did, afterwards, in the Summer of last year, to the Secretary of War, and to my colleague, express a confidence that the Agent would afford us all the facilities within his control." The witness then refers to his "correspondence with the Agent, before the meeting at Broken Arrow, and the War Department, and after that period, including the entire proceedings which occurred pending the treaty at the Indian Springs;" and derives the "fact of the Agent's assumed neutrality at Broken Arrow, which the President determined to be incompatible with his duty," from "the fact that he failed to report or restrain the adverse movements of his Assistant Agent," and the fact, "that, by his letter of the 13th February last, he aimed to prevent the ratification of a treaty, to the formalities of which he had before made no objection, and which had obtained the sanction of his official attestation." Denying, as I do, in the most positive manner, the "declarations" imputed to me by the witness, I propose to consider his testimony in two points of view:

1st. Substantively.

2d. In connection with other circumstances.

*First.* Substantively considered. The first observation that presents itself, upon reading this testimony, is, that the witness discloses, according to his own shewing, a *private and confidential communication* with a friend, had in a moment of peculiar excitement arising from a "disappointment," in which the witness largely shared, that, on that occasion, "we (says the witness) expressed to each other that disappointment in terms of feeling and regret."

Now it appears to me, that, if the witness had acknowledged the influence of feelings which belong to one who considers a breach of confidence as an act of baseness, he would have learned the value of silence on a topic in which, according to his own statement, he partook largely; especially, after entering "with feeling" into the disappointment himself. *The next observation* is, that he takes care to give the "substance" only, of the *exceptionable remarks*; alleging, for so doing, that "the conversation was desultory, and regarding it as the effusion of the moment, it did not impress him so strongly as that he is now enabled to make a more minute detail." He says, further, he "did not consider these declarations, at the time, as evidence of settled hostility to the interests of Georgia, and the policy of the General Government, and inimical to a cession of territory by the Creeks."

Here, then, is an admission, by the witness himself, that the "declarations" so referred to, were the effervescence of excited feeling, and yet, he feels himself called upon to give the "substance" of this "effusion of the moment," although he did not consider it as of sufficient importance to be treasured in the memory, or evincing "a settled hostility to the interests of Georgia, and the policy of the General Government, and inimical to a cession of Territory by the Creeks."

Another observation occurs in the substantive consideration of this testimony. "I cannot (says the witness) resist the belief, that the Agent was opposed to a treaty;" and, among other reasons assigned for this belief is, that I intimated "that the result of the election had operated a change" in my feelings; and yet, he afterwards, in the Summer of last year, to the Secretary of War, and to his colleague, expressed a confidence that the Agent would "afford us all the facilities within his control." Why, I would ask, if his belief upon this subject was not to be resisted, did he, contrary to that belief, express a confidence to his colleague, and the Secretary of War, that I would afford them all the facilities within my control?

But, considered in reference to other circumstances, there is a suspicion thrown around the whole testimony, highly injurious to the character of the witness. He states that the "conversation took place in November, 1823, just after the Commissioners had returned from an unsuccessful mission to the Cherokees." It was immediately after the Governor's election, which, according to the public records, took place on the 6th November, 1823.

The conversation referred to, is given as the reason of his belief. Now, if it shall appear that, during the same month of November of the same year, from Augusta, this witness did write to the Secretary of War, in which he says: I gave him to understand that "the prospect" in relation to getting land from the Creeks "was much more favorable;" in what estimation can the testimony of such a witness be held, even although he gives only "his belief?" Here is the proof. In a letter of witness, dated Augusta, 28th November, 1823, to the Secretary at War, (and to be found among the documents accompanying the President's message, concerning the Cherokees, numbered 127,) after detailing to the Department of War the result of the unsuccessful mission to the Cherokees, these are on the expressions, "upon the subject of a cession," he observes, "the Creeks hold a different language: from information derived from McIntosh, and since confirmed by the Creek Agent, the prospect in that quarter is much more favorable. The present appropriation (he goes on to state) is probably inadequate. If it could be increased to \$50,000, and directed to the purpose of holding a treaty with that tribe, the expectation of extinguishing the title to the whole territory would be well founded. I regard the present period (the witness remarks) as auspicious for a compliance with the articles of agreement and cession of 1802, as far as relates to the territory occupied by the Creeks."

It will be recollected that the conversation here detailed, took place just after his return from an unsuccessful mission to the Cherokees;

and, passing from Milledgeville after the Governor's election, and after the "conversation," he writes to the Secretary of War that, from information derived from McIntosh, and since confirmed by the Creek Agent, the prospect in that quarter is more favorable; and so convinced is he of the favorable prospect, that he gives it as his opinion that, if the appropriation could be increased, "the expectation of extinguishing the title to the whole territory would be well founded!" Now, is there a remaining doubt that the "information from McIntosh," which the Creek Agent "confirmed," and which induced the writer to "regard the present period as auspicious," refers to the identical conversation which, in his testimony, he alleges to have had with myself? Yet he gives that conversation entirely a different character! Again: the witness says, in his testimony, that "he, the Agent, advised me to resign my appointment as United States' Commissioner." This advice was given in November, 1823, as he states. Now, by reference to a letter from the Secretary of War to Colonel Duncan G. Campbell and Major James Meriwether, dated July 16th, 1824, the Secretary says, "I have the honor to enclose you a Commission to treat with the Creek Indians." How is this inconsistency to be reconciled? The witness certainly intended to convey the idea that I advised him to resign his appointment as Commissioner to treat with the *Creek Indians*! He could have intended to convey no other! I certainly could not have advised him to resign his appointment as Cherokee Commissioner, since I was not a Cherokee Agent; and an intimation "that the result of the election had operated a change in my feelings," could not have been considered by the witness as of the least consequence in relation to any negotiation with the Cherokees. Besides, he had just returned from an unsuccessful mission to those Indians. It is equally certain that I could not have advised him to "resign" an appointment which was not despatched from the War Department until eight months afterwards, and which he had no expectation of receiving until after the receipt of one from the War Department in reply to his letter of 28th November, giving the information. Again: In his letter to the Secretary of War, of the 14th January, in answer to one of the 13th, before referred to, he remarks, "I cannot become the Agent's accuser;" and adds, "My only allusion to this officer was upon the ground of his non-co-operation, and his omission to restrain his Sub-Agent in his adverse movements;" and yet this letter is written in reply to one calling upon the witness for information concerning the Agent, and this call was made and answered long after the existence of the alleged "declarations" which created a "belief," not to be resisted, that I was opposed to a treaty. But such are the inconsistencies to which a man is subject, when, for the accomplishment of any purpose, whether to elevate himself, or depress another, he swerves from the truth. In his testimony, he refers to the written correspondence which he conducted with me previous to the meeting at Broken Arrow, his correspondence with the War Department in January, and the entire proceedings which occurred pending the treaty at the Indian Springs in February; as the sources

whence he derives the fact of the Agent's assumed neutrality at Broken Arrow, which the President determined to be incompatible with my duty; the fact that I" failed to report or restrain the adverse movements of the Assistant Agent, and that, by "my letter of the 15th February" last, I aimed to prevent the ratification of a *treaty*, to the formalities of which "I had before made no objection," and which had (he remarks) "obtained the sanction of my official attestation. Here are three derived facts, evidently the result of much labor and care, bestowed on them to avoid contradiction with other statements; but it is perhaps a happy circumstance for me, that a confusion of purpose often accompanies the devious windings of artifice and misrepresentation, by which both are detected and exposed. Each of these "facts" will be considered in the order stated by the witness, and in connection with the sources whence they are derived, and of the evidence.

1st. As to my assumed neutrality at Broken Arrow.

Witness, in a letter dated Washington, Georgia, July 27th, 1824, to myself, and to be found in the printed documents accompanying the Governor's message, 23d May, 1825, after announcing his appointment, informs me that he was directed to correspond with me, remarks, "I am happy that an acquaintance will authorize a free discussion of all matters connected with the subject;" and, on the 8th August following, he writes from his residence to the Secretary at War, "that a young gentleman who resides at the Agency reached here yesterday; he informs me that the Agent received communications from the War Department and myself at the same time, and at the moment of setting out for Savannah; that he will be here on the 15th instant on his return. I shall avail myself of the opportunity of the interview to acquire, in detail, all the information necessary to our future operations. The Agent is intelligent and communicative, and I AM CERTAIN *will afford us all the facilities within his control.*"

On the 6th of August, I addressed him a letter from Augusta, on my way to Savannah, where I was going on public business. I apprized him that I was informed of his appointment; that my attendance is indispensably necessary at the court in Savannah; that on my return, about the 15th August, I will do myself the honor to call on him at his residence, and make the necessary arrangements preparatory to the meeting of the Indians; and I expressed a hope that a few days delay, in consequence of my trip to Savannah, would not interfere with his arrangements. On the 5th September, 1824, he writes to me, and, among other things, states he shall attend Baldwin court on the 4th of that month, when he should be glad to be informed of any matter affecting our negotiations, and concludes by adding, "we are greatly concerned for the result of our mission, and must beg you to prepare the Nation for the issue we desire." On the 20th of the same month, from Princeton, Creek Nation, in reply to his of the 5th, I inform him, that "I will with pleasure close a contract for you, or do any other thing you may require me to do in relation to the contract, or any other matter touching the business of the treaty, that

I can consistently do ; but it must be distinctly understood *that it is to be done under your special instructions.*" On the 27th of the same month, I write him again, informing him of the time when it would be most convenient for the chiefs to meet the Commissioners in council ; both of which letters are acknowledged to have been received by Colonel Campbell, in his letter of the 13th October, in which he fixes the first of December following for the intended meeting at Broken Arrow. The foregoing contains the tenor of our "written correspondence;" from which it will be seen that I, as early as the 5th September, apprized the witness that I would, "with pleasure, close a contract" for the Commissioners, "or any other thing," or any other matter "touching the business of the treaty," that I could "consistently do;" but that it must be distinctly understood that what I did was to be done under the "special instructions" of the Commissioners. Now, it is not intended to be controverted that, to a certain extent, at the meeting at Broken Arrow, I did "assume a neutral position." In my verbal communications with the Commissioners I informed them of my intention not to use my official influence in council to induce them to dispose of their lands, but that I would not throw any obstacle in their way. I was influenced to this course from the belief that, if I pursued any other, I should not have been discharging my duty, either to the United States or to the Creek Nation ; since if I had pursued the course *expected* of me by the Commissioners, (in the absence of instructions,) and the object of the meeting had nevertheless failed, I should have been unable thereafter to aid the ulterior views and general objects of the Government. From frequent previous conversations with the various chiefs upon the subject of the proposed cession, in which I endeavored to impress upon them the necessity as well as propriety of their ultimate removal, as will be hereafter shown by the evidence collected in my behalf, I had become convinced that, upon this subject, there was much excitement among them, and a prejudice against a cession of lands, which was adhered to with all the sullen pertinacity so peculiar to the Indian character. *At that time*, I did not conceive it to be within the scope of my duty to use my particular influence, after "argument" had been exhausted upon them in vain, to accomplish the views of the Commissioners ; yet I was willing to do any other thing that I could consistently do to further their views ; of which they were informed in my letter of the 5th September, previous to the meeting. It is most true, that, with the lights only furnished him by the Commissioners, the President did determine that my conduct, as represented to him by them, was incompatible with my duty. But had he been apprized of *all the facts*, as subsequently developed by the testimony hereinafter referred to, I feel the utmost confidence, arising from that known purity of intention and chastened sense of justice for which he has been always distinguished, that he would not have pronounced my conduct on that occasion to be "incompatible with my duty." The second fact which the witness deduces from the correspondence before mentioned is, that "I failed to report or restrain the adverse movements of the assistant Agent."

These adverse movements, as collected from the sources referred to by the witness, by reference to Colonel Campbell's letter of the 8th January, 1825, to the War Department, and a letter from the Secretary to myself, of the 15th or 14th of the same month, it appears, that the charges against him are generally that he aided and countenanced the Indians in their opposition to the treaty ; and, particularly, that he penned the publication of the Creek Chiefs at Tuckabatchie and the Pole Cat Springs, and that their meeting at the latter was at his house, and with his sanction and countenance. Now, although it is not my intention to defend the alleged adverse movements of the assistant Agent, since his case has been disposed of by the proper authorities ; yet it falls within the scope of this defence, to advert to a circumstance connected with this imputed neglect ; it is this : that the witness has not only in his testimony, but also in his correspondence, failed entirely to show that I had any knowledge of them ; consequently, forasmuch as I was not gifted with the attribute of omniscience, it was impossible that I could either "report or restrain" what I did not know. But, since it may be inferred that I did know of these adverse movements, unless denied, I will take occasion here formally to deny any knowledge of either of them which would have enabled me to restrain them. In relation to the circumstance attending the general charge, the proceeding at Tuckabatchie, and the more recent one at the Pole Cat Spring, being reduced to writing by the assistant Agent, which last is said to have taken place at his house, my knowledge of each of them was obtained after they had severally taken place, and the last happened during my absence at Savannah, on public business ; consequently, it will be perceived, I could [not] have restrained them ; but the true proceedings, as published in the papers, were reported by me to Maj. Meriwether, one of the Commissioners, as will appear by the testimony of Hambly, Blake, Triplett, and others, and referred to particularly in a subsequent part of this defence. That these proceedings were not reported to the Government, or any other law of the Nation, is most true. It is believed that neither of my predecessors in office conceived it to be within the scope of their duty to report the laws of the Creeks, made for their own Government. And since these laws are never registered in the archives of the Agency, as has been erroneously supposed to have been the duty of the Agent to do this, why, it may be asked, with much propriety, did not my immediate predecessor inform the Government of the law which appears to have been made on the West Bank of the Oakmulgee river, in 1818, by the testimony of all the Chiefs in council, furnished in the recent talk held with General Gaines, and the testimony of Winslett, hereinafter particularly noticed ? It is well known the Government has never required it of them or me, and however much I may respect the authorities of Georgia, I shall not require of them concerning the extent of my duties, especially when their interest may be supposed to be involved in the inquiry. With any other "adverse movements" I am wholly unacquainted ; nor do I believe that any other exists.

The third described fact is, that he (the Agent) "aimed to prevent the ratification of a treaty, to the formalities of which he had before

made no objection, and which had obtained the sanction of his official attestation." If it is intended, by this fact, to state that I protested against the treaty made and concluded at the Indian Springs, on the 12th February, 1825, by an inconsiderable portion of the Creek Nation, in direct opposition to, and violation of, the instructions of the Government, and the will of the Creek Nation, after having witnessed the "formalities" of its execution—the assertion is true. Reference to my letter to the War Department, on the 13th February, 1825, will show that I apprized the Secretary of War that the day before "a treaty had been signed by McIntosh and his adherents alone;" that "being fully convinced that the treaty is in direct opposition to the letter and spirit of the instructions," of which I had a copy, I felt it to be my bounden duty, as the "Agent of the Government," to apprise the War Department of it, that the Government might adopt such measures as it might deem expedient, as to its ratification. I further stated, that, if it was ratified, *it might produce a horrid state of things among the Indians*; that, with the exception of McIntosh, and, perhaps, two others, the signatures to the treaty were either chiefs of a low grade, or not chiefs at all; that the signers were from eight towns only, when there are fifty-six towns in the nation. This letter was concluded by remarking, that, "if it be thought necessary, I can give you all the particulars pending the negotiation." Referring the investigation of these particulars, and the circumstances connected with them, together with the fact of my "aiming to prevent the ratification of the treaty," to the succeeding branch of this defence, where, according to my arrangement, they properly belong; I will here proceed to explain why I witnessed the "formalities" of the treaty, when I was satisfied of the improper means used to effect it. At the time of the execution of the treaty, I was present, and, at the special request of the Commissioners, I signed my name as a witness to the *formalities* of its execution. In doing so, I did not then believe, nor do I now believe, I was thereby attesting the correctness of the transaction, as having been completed according to the instructions of the General Government, or with the consent of the Creek nation. I witnessed it as I would have done the signatures to any other paper, which I might be called on to witness, with this exception, that *I wished that that paper might be again identified by myself*, as I expected to be called on at a future period. At the time when the Interpreter and myself were requested to witness its execution, it was distinctly understood, that the correctness of the transaction was not intended by us to be sanctioned by that act, although the attestation may be viewed by the witness as official: reference to the testimony of Captain Thomas Triplett and Col. Hambly, together with my letter to the War Department, above referred to, will be sufficient to establish these facts. Captain Triplett, in his affidavit, (composing a part of the evidence herewith submitted,) states, "that he was present when the treaty was signed. The manuscript treaty was read, section by section, by Col. Campbell, and not the Secretary, to the Interpreter, who interpreted it, as read by Col. Campbell; that, after the treaty



was interpreted, in the manner above stated, and, after it was signed, Col. Campbell specially requested Col. Crowell and the Interpreter, to witness its execution; they went to the table and signed it, as witnesses, *without reading it over*. That neither Col. Crowell, or the Interpreter, had an opportunity of reading it; that, after it was signed and witnessed, Col. Crowell requested a copy of it; that, after witness and Col. Crowell had left the room, witness remarked to Col. Crowell, that he thought he had committed himself by signing the treaty; Col. Crowell replied, that he had merely signed the treaty as a witness to the execution of it, at the Commissioners' request, *and with a view to identify the paper hereafter*: for that he might be called on again. Col. Crowell further remarked, that he had only witnessed the signing, as he would have witnessed the signatures to any other paper; not intending, thereby, to attest the correctness of the transaction as being in conformity to the instructions of the Government, or legally binding on the Creek nation." Col. Hambly, in his affidavit, which is also herewith submitted, states, "that the Agent and the witness were required by the Commissioners to witness *the signing of the treaty*; which they did. It was understood at the time, that the witnessing the treaty, was merely witnessing its formal execution, and not attesting the correctness of the transaction." Now, if the understanding at the time, of these witnesses, coupled with another fact, that, on the succeeding day, I protested against the treaty, as not being made according to the letter or spirit of the instructions, and the reasons assigned by myself to Capt. Triplett, immediately afterwards; and the further fact, that it was not read by us, and no opportunity for that purpose afforded, are entitled to any weight; if the intention with which an act is done, be in this, as in all other cases, allowed to be explained by expressions and understandings accompanying the act, for the purpose of explaining its true character; then is the act of signing the treaty, as a witness to the formalities of its execution, not inconsistent with the subsequent protest, nor of a character to authorize the insinuation which closes Col. Campbell's evidence. Thus I have disposed of the *third* and last fact in the testimony under examination; and, whether this testimony is viewed substantively, or in connection with other circumstances, among upright and honorable men, there can exist but one opinion as to the degree of credibility and weight to which it is entitled. Substantively considered, we find him reckless of the suggestions of honor, regardless of the dictates of propriety, and unmindful of his character; disclosing, according to his own statement, with an unblushing assurance, the confidential declarations of his friend, alleged to have been made at a moment, and under circumstances, inducing expressions of feeling and regret; declarations, too, which have been shewn never to have taken place. According to his own shewing, we find him worming himself into the bosom of an unsuspecting confiding individual, and, at a moment of deep disappointment, in which he pretended to partake, drawing from him declarations alleged to have been, as he says, casually made, and never dreamed of afterwards, and used under the influence of

excited feelings, and at the time regarded by the witness, as the "effusions of the moment;" yet these declarations are treasured up, and, at a period of great public excitement, while the Governor and Legislature are bending every effort against me, when a breath may elevate or destroy, with a perfidy unequalled, he comes forth and discloses the alleged substance of the declarations, under the wily and specious garbs of "I THINK," and "HE INTIMATED." Presenting this testimony in another aspect, but judging of it by itself, there exists, and has been detected, a palpable contradiction in terms. Witness considering, at the time, the "declarations," alleged to have been made, as not importing any settled feeling on the subject of a cession of lands; yet, before the committee, assigns it as one of the reasons which induced a belief, not to be resisted, that I was opposed to a treaty. Much more might be said in relation to the inconsistencies detected in viewing this testimony, in connection with other circumstances; but it must be unnecessary. I will, therefore, pass it by, and consider the testimony of the next witness in order, in relation to the first question. The name of this witness is James Meriwether. In commenting upon the testimony of this witness, I shall omit to notice all that part of it that he has so adroitly communicated as coming from the preceding witness, D. G. Campbell, for these reasons: *First*, because it is hearsay; *second*, because it has accomplished the object which induced it to be grafted upon the stock of his own; it being evident that Col. Campbell's communications to him are repeated only to enable him to predicate the reasons for a different belief, when before the committee, from that entertained by him at the time when Col. Campbell's communications were made; and, *third*, because Col. Campbell's testimony is placed in such a point of view, that this witness cannot corroborate him, even if he were to repeat all that Col. Campbell ever knew, or heard as coming from him. Disposing thus of the proemial part of this testimony, I will proceed to the examination of what remains. The witness, after detailing a conversation which he had with Col. Campbell, the preceding witness, proceeds to state, that, taking into view, however, the time when, and the occasion upon which, this declaration was made, "I attributed it to the excitement of the moment, consequent upon his disappointment in the issue of the contest between Governor Troup and Captain Talbot. But in this I have reasons to believe that I was mistaken: 1st, because Col. Crowell neglected to communicate to the War Department or the Commissioners, the Tuckabatchee talk, which, I believe, had been held principally by the Chiefs on the Alabama side of the nation, with a view to prevent our success, in the Spring of 1824, and was known to the Agent as early as the month of June thereafter." I will dispose of this "reason" before I proceed in the examination of the others. The causes which influenced me in not reporting this "talk" to the War Department, and which this witness imputes to neglect, have been before assigned by me, when commenting on the testimony of the preceding witness. It is, therefore, unnecessary to repeat them here. But I will take leave to remark, that, so far from

not communicating this "talk" to the "Commissioners," I availed myself of the first moment when it was in my power to do so. Upon the arrival of Major Meriwether at the Agency, on the Flint River, on his way to Broken Arrow. I presented the paper containing the Tuckabatchee and Pole Cat Spring proceedings, to him, which a few hours before I had received by mail from Alabama. At the time, I did not believe it my duty to do so; but it arose from an inclination to apprise him of those proceedings, which had been but recently published, not with a view to inform the Muscogee nation: for that had been done long before on the West bank of the Ockmulgee river; but because it would enable him to take such measures, at the approaching meeting, as he and his colleague might deem most advisable. The fact, that the Tuckabatchee and Pole Cat Spring proceedings were presented to Major Meriwether, as above stated, is proven by testimony to which I will now advert. Captain Triplett, in that part of his testimony relating to this subject, says, "that he was present at the Creek Agency, on the Flint River, on the arrival of Major Meriwether at that place, on his way to Broken Arrow; Col. Crowell had returned a day or two before from Savannah. On the day of Major Meriwether's arrival at the Agency, the Montgomery paper containing the Tuckabatchee and Pole Cat Spring proceedings, was presented by Col. Crowell to Major Meriwether; and deponent has heard Col. Jones, one of the Georgia Commissioners, say, that Col. Campbell received the paper at Twigg's Court, about the same time." The same fact is testified to by Luther Blake and Col. Hambly. Now, it will be perceived, that, in reference to this fact, Maj. Meriwether stands opposed to these three witnesses; and this communication was made before he went into the nation.

It follows, from the above testimony, that I did not neglect to communicate to the Commissioners the "Tuckabatchie talk," since having communicated it to one of them. But out of his own mouth will I condemn him. Referring to the Journal of the Commissioners, of the 15th December, 1824, it will be found there stated, that, "in a conversation with Col. Crowell, the Agent, the Commissioners were informed that the two publications dated at Tuckabatchie and Pole Cat Springs, signed by a number of the Upper Town chiefs, were written by the Sub-Agent, Captain Walker; that the first was brought to this place in June last. No signatures were obtained, but the Agent understood it to be assented to generally." It is difficult to perceive, if the above communication was made, as above stated, how the "Tuckabatchie talk" could be said not to have been communicated to the "Commissioners." But to proceed to the examination of the testimony: The witness further remarks, that he believes "that the Tuckabatchie talk" had been "held with a view to prevent our success." Now, considering that the Commissioners were not appointed to treat with the Creeks until the 16th July, 1824, as has been before shewn, and consequently could not have been apprized of the fact until twelve or fifteen days afterwards; and, considering that the witness alleges the "Tuckabatchie talk" to have been held in "the Spring" of that year,

it is difficult to comprehend with whom it could have been held "with the view to prevent our success." So much for the first reason assigned. The second reason is, he "assumed a neutral position," as he (the Agent) stated "during the negotiation at Broken Arrow, and did not afford us that aid which we had a right to expect from the Agent of the Government in promoting its views, especially when he frequently declared his conviction that an exchange of territory, and a removal to the West of the Mississippi, would essentially benefit the nation. And, when the proposition we had made, or had *intended to make*, was communicated to him, he observed that the Indians would be — fools if they did not accept it." Having, in the examination of the testimony of the preceding witness, stated my reasons for the neutral position which I had assumed at Broken Arrow, I will barely add, in commenting on this part of the testimony, that those reasons derive additional weight when examined in connection with this part of the testimony of the witness, since what I observed to the witness, as here detailed, shows that I had no disposition, whatever might have been my private opinion of the advantages of the removal of the Indians, to use my official influence to effect their purposes, and thereby to obtain from the Indians a sort of constrained consent, while a voluntary one could not be obtained by the arguments and inducements to be used by the Commissioners. The witness proceeds to state, 3dly, "because I have reasons to believe that Colonel Crowell knew of the movement by which the departure of the Cussetaus from the Indian Springs was effected after we had been informed of their willingness to enter into a treaty." "The reasons for which belief, are, that from the devotion of Hambly, the Interpreter, (whose agency, on that occasion, was proven to my satisfaction) to Colonel Crowell, and his lodging in the same room with him, I cannot believe he could have taken a step so responsible, without the privity and consent of the Agent;" and he concludes his testimony by remarking, "these circumstances may have made a stronger impression on my mind than they might have done on others, and, if they be too strong, I hope it will be made apparent." If, in the examination of this part of the testimony, I shall be able to show that the reasons upon which the witness bases his belief that I knew of the movement by which the departure of the Cussetaus from the Indian Springs was effected, are in fact without foundation, and that the attending circumstances did not exist, I apprehend it will be admitted that, not only the witness' "stronger impression" should be removed, but that he is responsible for all the strong "impressions" which his testimony has made upon the minds of others; and I promise him that he shall, at least, have the opportunity to realize the full *fruition of the hope* he has expressed. It will be perceived that the circumstance upon which the witness predicates his belief, that I knew of the departure of the Cussetaus, are,

1st. That Hambly had an agency in the removal.

2d. That he was "devoted" to me.

3d. That he *lodged in the same room* with me.

Hence arises the witness' belief that he would not have taken a step

so responsible without the privity and consent of the Agent. Now, if I can show that Hambly had *no agency* in the removal of the Cussetaus, the two latter circumstances can furnish no grounds for the belief of the witness ; consequently, the whole fabric of his testimony, which has been reared with so much care, falls unsupported to the ground. The testimony relating to this particular subject was incidentally referred to in considering the motives of his Excellency. I propose here to examine it somewhat in detail. Colonel Williamson's report, which I had occasion to refer to in commenting on his Excellency's letter of the 17th February, 1825, contains, I suppose, the testimony to which the witness alludes, when he remarks that Hambly's "agency on that occasion was proven to my satisfaction." It will be recollected that the whole of the circumstances detailed in that report in relation to the departure of the Cussetaus, as have been already shown, are predicated upon the vague and uncertain information received from Indians, who heard an another Indian say that "Steadham had told him to go—Hambly said so." Williamson remarks in his report, that he went in search of Old Tuskenahaw ; that he "found him extremely indisposed to a full disclosure ;" but, upon being questioned, "he acknowledged that Steadham had said that the order came from Hambly," and, in the language of the report, finally "implicated *Poethleyoholo*," that "he came to the camp, and told them to go." It is a little remarkable that, in his attempt to implicate Hambly as having an agency in producing the departure of the Cussetaus, that he should have relied upon the hearsay information obtained by Williamson *from an Indian, who heard another Indian say that he heard Steadham say, that Hambly said they must go* ; and it is yet more singular that he should have overlooked the fact stated in the Journal of the Commissioners of the 11th February, 1825, that Poethleyoholo, (who is there, and, in Williamson's report, called the head chief of Tuckabatchie,) when addressing the Commissioners, stated, "this is the only talk I shall give you. I shall return home immediately. Such is the message I have received from my head chief, and I am bound to obey." Now this, taken in connection with what Williamson says, viz : that "*Poethleyoholo came to the camp, and told them to go*," and the fact that the Indians left the Indian Springs on the evening of the 11th, is not the inference stronger, that Poethleyoholo ordered them away, than *that Hambly did* ? But it does not rest upon inference alone. The certificate of Steadham, a half breed, given to the Special Agent, Major Andrews, states, "that neither himself or his friends were induced by *either the Agent, or the Interpreter, Hambly*, to leave the treaty ground, as supposed by Colonel Williamson, nor indeed by any *white man* ; and that the real cause of his leaving was this : the chiefs went to the treaty referred to, with a determination not to cede any land ; and that, on the day of the night he left the treaty ground, a message was received from the Big Warrior, one of the two principal chiefs of the Creek nation, by Poethleyoholo, in which he directed the latter, if he had exchanged talks with the Commissioners, to come home immediately without signing any treaty ;

that order, and his own determination, alone induced him to leave the treaty ground." Reference to the "talk" recently held at Broken Arrow with General Gaines and Major Andrews, the fact is established by Poethleyoholo himself in *full council*, that the departure of the Indians from the Indian Springs was by his order; that he told the Commissioners *they should go*; and invited the Commissioners to meet "the Muscogee nation" in full council, three months afterwards, at the National Council Square, Broken Arrow. Colonel Hambly, in his testimony, states, "that, on the day previous to the signing of the treaty, Poethleyoholo told the Commissioners, 'that the principal chiefs of the nation, Little Prince and Big Warrior, had sent him there to hear their talks, and return an answer; if they had exchanged talks, to bring home their chief; and that he invited the Commissioners to attend a full council at the National Council house at Broken Arrow, in three months; that at night, as it appeared afterwards, he, Poethleyoholo, went off with those that did depart;' that, as to the chiefs and others being sent off by white men, the witness has no hesitation in saying that he believes it to be entirely unfounded." Here, then, we have, *first*, the testimony of Steadham, through whom the hearsay evidence came, denying that Hambly or myself had induced him and his friends to leave the treaty ground; *second*, the testimony of Poethleyoholo, who himself gave the order; and, *thirdly*, the testimony of Hambly—all to the same point. To all this testimony stand opposed the hearsay information collected by Williamson in his Quixotic expedition to bring these *runaway Indians* back again. Now, I would ask how stands the predicate of Major Meriwether's belief? And what becomes of the whole superstructure of his testimony, when the foundation upon which it rests is thus taken away? Having, as I conceive, satisfactorily proven, and thereby redeemed the pledge I gave at the outset of this examination, that Hambly had *no agency* in the removal of these Indians from the Indian Springs, it is unnecessary to inquire whether he was devoted to me or not, or whether he slept in the same room with me or not; since these two circumstances could not, by any ingenuity, *however specious*, become the *basis of the witness' belief*: it would therefore be entirely supererogatory to 'go into the inquiry. The testimony of the two witnesses, Colonel Campbell and Major Meriwether, being thus disposed of, and supposing that what is contained in this part of Williamson's testimony relating to myself, may be of importance to examine, I will proceed to its examination. William W. Williamson says, "I do not know that I can give any substantial reason for believing that Hambly would subserve the views of the Agent. I did, and yet believe, that Hambly was the cause of the Indians leaving the treaty ground at the Indian Springs, and, under the *then excitement of feeling*, and the statement of one chief, I was disposed to believe that Colonel Crowell was privy to the arrangement; and it is from that circumstance, connected with the various other causes *that would not bear detailing*, that induced me to believe that the Agent was unfriendly to the treaty." It is worthy of remark that witness cannot give any "*substantial reason*" for his be-

lief that Hambly would subscribe my views; yet he takes care to convey the inference that such is his belief. It is also worthy of remark, that he declines detailing, in his testimony, the various "other causes" which induced witness to believe that I was opposed to the treaty, because they "*would not bear detailing*;" and, so far as he seems to implicate me in being privy to the "arrangement," it is scarcely entitled to a passing remark; since his being disposed to believe that I was so, "*under the then excitement of feeling*," and the statement of one chief, whose name he appears to have carefully withheld in his testimony, probably for the purpose of preventing the necessity, and consequent exposure, by a confrontation. Connected with his disposition to suppress the truth, is the fact of his refusal to answer interrogatories which I propounded to him on subjects of importance to my defence, as will appear by his letter to my counsel, the reply and interrogatories hereunto annexed, by which, if any thing more is necessary to show his repugnance to disclose any thing, by which there is a possibility of his being detected, it will be found in its fullest extent.

This is the witness who, according to the testimony of Hambly, corroborated by Lewis Caffrey and Drury Spain, and other circumstances, which will "*bear detailing*," offered bribes to Hambly and others, to induce them to use their influence with the Indians, to effect the object of the Commissioners. Concerning these facts I will now proceed to inquire, in order to find some clue to the cause of this "*excitement of feeling*," under the influence of which, he was disposed to believe, that I was privy to the arrangement. Hambly states in his testimony, "that Colonel Williamson, just before the meeting at the Indian Springs, in February last, came to Caffrey's and tarried a day: Caffrey lives opposite to witness, and twenty miles from Broken Arrow. During the day, Caffrey came to where witness was, and said he was authorized by Williamson, (who is understood to be the brother-in-law of Colonel Campbell, and in the employ of the Commissioners,) to offer witness eight thousand dollars if he would persuade the Indians to sell their land to the Commissioners. Col. Williamson and witness started in company for the Indian Springs: In the course of conversation he stated he had been appointed by the Commissioners to conduct the Indians over the Mississippi; that he was to have the money appropriated for carrying them over; that, if witness would use his influence to effect a treaty and a removal, he would divide the profits, and would pay the wages of any other person who might be necessary, out of his half. Witness replied, that he knew that there were Indians who placed much confidence in him, but that he would not betray that confidence;" and this witness is corroborated by Caffrey and by Spain, who were present. The other witness who proves the offer of another bribe, is *William Lott*, who states that, between his (the witness,) house and Moss', Williamson offered him, if he would go to the Indian Springs and assist them in getting the land, he, Williamson, would give him one thousand dollars; and, if they succeeded, he should have a mile square of land." Witness refused. It is a just remark, and applicable here,

that we often find the strictest honesty and truth in the humble garb of poverty, and we too often find knavery and falsehood glittering in the trappings of wealth. I apprehend whoever attentively peruses Colonel Hambley's testimony, will find a clue for the "*excitement of feeling*" under which Williamson labored, on the occasion above referred to; since the departure of the Indians created an alarm on his mind that the treaty would fail, and, if it did fail, he would lose a *fat job*, in the profits of which he offered to share with Hambley, on certain conditions. The witnesses who confront him, may not be as well known as Colonel Williamson is in this community; but, nevertheless, they are worthy of more credit; since they have not the *strong motives* to swerve from the truth that he evidently had. They were, indeed, too poor "to offer bribes," but they were *too honest* to accept them when "offered." A moment's reflection upon the testimony and conduct of the two Commissioners, and their Aid, Colonel Williamson, coupled with the efforts of his Excellency, as their "*co-worker*," all tending to the dismissal of myself and the United States' Interpreter, Hambley, will only be required, to produce a deep conviction that their joint and individual purpose has been, and is, to destroy the credit of both with the General Government; since they were and are satisfied, that, if an inquiry should be instituted into the means used in effecting the late treaty, its attending circumstances could be developed by both of us, which would show the corrupt part which they acted on that occasion. Thus, then, it became an early and matured policy with them to sacrifice us to their fears. "*Human testimony*, it is said, is the source from whence the truth of facts must be discovered;" yet in this there is much uncertainty, as is illustrated in the testimony of the three witnesses, the examination of which I have now closed. In this examination, although I find nothing, when all the adjuncts are considered, in the remotest degree to cast a shade of suspicion over my official conduct, or to sustain the charge of "*pre-determined resolution to prevent the Indians, by all the means in my power, from making a cession of lands*," from *any motives*, much less than of an "*unworthy and unjustifiable character*;" although it is not usual or necessary to prove the negative of an affirmative charge, until it be established by affirmative proof, since it is always held to be sufficient barely to deny what is affirmed, until the contrary be proved; and since any person, *even the "Indian Agent,"* is to be considered innocent until the contrary appears; and although it may be unnecessary for me to adduce supervenient testimony, since the above witnesses are the only ones who pretend to say any thing upon the subject of my supposed opposition to a cession of lands; yet, with a view to *divest scepticism* of all doubt, and to disarm *casuistry* itself of all scruples, in reference to this opposition, I will briefly advert to a small portion of the mass of evidence collected in my behalf, on this subject, and refer to the testimony of such other witnesses, in corroboration, as may be deemed necessary. Proceeding, then, with the evidence under the above limitation, applicable to this particular topic, Colonel Hambley is the first witness. In his testimony he states,



"that he is unacquainted with any effort made by the Agent to create any opposition among the Indians, as to the selling of the land ; nor does he believe that he, the Agent, ever held any council with them for that purpose. If he had, in the least degree, been guilty of any such conduct, or *excited or advised* the Indians not to sell their lands, witness is certain he should have heard it." Here is the testimony of the United States' Interpreter, whose intercourse with the Indians has been, and is, of the most extensive character. If, therefore, any opposition to their selling their land had been made known by me, a circumstance of such importance to them, and coming from me, would, in this extensive intercourse, have come to his knowledge. The next witness is John H. Brodnax, who states : "That he was the contractor for supplying the Indians with rations at the meeting at Broken Arrow ; that, during that time, witness had a constant intercourse with Col. Crowell ; heard him frequently converse with them (the Indians) upon the subject of the treaty, in which he heard Col. Crowell remark that he thought they *had better sell their lands* ; they would have to sell one day or other, and now there was more offered than would be again. Col. Crowell often observed to the chiefs that he hoped that there would be no division among them, and that they would all go together to the West ; he would go with them : That, from these circumstances, he believed, and yet believes, that Colonel Crowell was not opposed to a cession of lands." In another part of his evidence he remarks, in relation to my deportment at the Indian Springs : "That Colonel Crowell never manifested any opposition to the Indians selling their lands, or of a treaty being made ; but the Agent was opposed to a treaty being made with a remnant of the nation, contrary to the instructions of the Government, and so expressed himself after the treaty was made. I heard him often, before the treaty was made, use the same arguments he did at Broken Arrow, to induce the chiefs to cede their lands." Captain Triplett, in his testimony, states the same thing, in reference to my conduct, and deportment, and declarations, at the Indian Springs, saying "that the Agent advised them to go across the Mississippi, in the *strongest terms*." Being at Broken Arrow but one day, he, of course, states nothing of my conduct there.

Laird W. Harris, in his testimony, states, in reference to my deportment at the Indian Springs, after declaring the objection made by Rolly M'Intosh to going across the Mississippi, goes on to say : "To which the Agent replied that, from the map of the country, there were parts which was represented as mountainous, and there was no doubt with him that they might have their health among the mountains, and ample hunting ground on the plains below ; and he would go with them, and be their friend." John Winslett states, in reference to my deportment at Broken Arrow : "That he was there during the whole meeting between the chiefs and the Commissioners, in December last ; had an opportunity to judge of Colonel Campbell's [presumed to mean Col. Crowell's] conduct and disposition in relation to the selling of land : never saw any thing in the least degree which could

induce a belief that he was opposed to a cession of lands." *John A. Peck* (who has been also examined by the Commissioners on the part of the State) states : "That he lived on intimate terms with said Crowell, and frequently had confidential conversations with him, a great deal of which related to the Indians; he, Crowell, always thought it was best for the Indians to sell their lands, and has frequently heard him advise some of the leading men to do so; and, as far as he knows or believes, his opinion is, that the said Crowell did discharge correctly, as Agent, his duty; he always appeared disposed and anxious to discharge his duty to the General Government, and to act correctly towards the Indians." This witness had my confidence, and our intimacy was "confidential," as he says. The testimony of these witnesses, upon the subject of my deportment and declarations in relation to the Indians selling their land at Broken Arrow and the Indian Springs, is corroborated and supported by the statement of the Rev. Isaac Smith and the Rev. Lee Compere, the testimony of Nimrod Doyle, Jesse Wall, Luther Blake, and Burdick, and various others. From this rapid view of the testimony, it is manifested that no such opposition as is imputed to me ever existed. On this testimony it cannot be necessary to comment, further than to say, that, if it be possible, in any instance, to prove, by testimony, the negative of any affirmative proposition, the negative of my "predetermined opposition" is completely established.

Passing then from a further consideration of the first charge, embraced in the first question, I will proceed to the inquiry concerning the character and weight of the evidence, in reference to the second charge, viz : Whether I advised and instigated, in chief, the death of McIntosh, and his friends? In approaching which, I must be indulged in referring, particularly, to a passage contained in a letter of his Excellency to Major Andrews, before referred to, wherein his Excellency takes occasion, in regard to this charge, to state his belief, "from the evidence then disclosed, and, *ex parte*" as it is, that I "am so far innocent only, that I was not present at the time and place, inflicting the blow," with my own hand. Was it not enough that I should be charged with having advised and instigated, *in chief*, the death of McIntosh and his friends? Was it not enough that I should be charged thus with a crime, at the mention of which human nature shudders; not with taking the life of a fellow being in open and honorable combat; not putting my safety at hazard by the act; but "advising and instigating, *in chief*," inducing others to put in execution a law, sanguinary in its terms, and for the violation of which McIntosh and his friends were the victims? Was it not enough that I should be charged with all this? But, for the purpose of prejudicing the community, and the individual entrusted by the Government to investigate the charge, he should palm upon the public, and this individual, *his belief*, which, when avowed, stood opposed to a solemn opinion recorded by the Legislature, and deliberately approved by himself, "that there is not sufficient proof, even in the *ex parte* evidence, to justify them in presuming that the

Agent ordered, contrived, or instigated, the murder of McIntosh." The terms of peculiar acrimony, in which the belief of his Excellency is conceived, and, indeed, which distinguishes all his communications, must be ascribed to its proper cause—a deep personal interest in the event. The only difficulty I feel in meeting this charge, and exposing its gross injustice, arises, in controlling the indignant feelings with which I view it, and the ineffable contempt in which I hold the man who would make it: but, whatever may be my feelings in this regard, they shall not tempt me to become regardless of those considerations which should influence a temperate and respectful defence—temperate, as it respects its objects; and respectful, as it regards the Government to which it is submitted.

But for the high respect which I entertain for the authorities from whom I hold my appointment, and but for a desire to comply promptly with all their commands, I should never have deemed myself under any obligation to refute so malicious and preposterous a charge: malicious, because of the motives which influence my accuser in making it; and preposterous, because of the unreasonableness of its application. Little did I believe that my name would ever be coupled with an act such as this, implying a turpitude inconceivably greater than distinguishes the foulest crime; nor would it ever have been so coupled, but for the existence of a credulity which folly itself would have condemned.

Referring to the evidence collected by the Committee of the Legislature on this charge, and which is to be found in the report before referred to, its character and weight will be considered, occasionally referring to the testimony collected on the part of the defence.

There is one species of evidence resorted to by the committee, and to which the Special Agent is referred, among others, by his Excellency, in his letter heretofore mentioned, which I will dispose of first. It is the *Indian evidence* embraced in the *letter* of both the Hawkins, the wives of McIntosh, and the wife of Sam Hawkins, and published, with all circumspection, among the documents accompanying his Excellency's message before mentioned.

How far I may be presumed to be implicated, by this kind of evidence, I will leave to the sage reflections of those who have collected it, and commented on it; since I cannot conceive that evidence, derived from such sources, can occupy the attention of the General Government or its officers, for a single moment. And when it is considered that those letters *do not* contain the thoughts, ideas, or words, of those whose names they bear; when it is further considered that most of them cannot speak English, and all of them cannot write letters thus dictated; and how easy it is for designing persons to procure their signatures to the most palpable misstatements; it would, it appears to me, be worse than useless to incorporate such trash in this defence, in order to be seriously controverted or refuted. I shall therefore pass it over without further notice or remark.

The testimony of Francis Flourney, although proceeding from a *white man*, is of a character with Indian testimony, and, independent

of its being founded on hearsay, is totally unworthy of consideration, or credit. A brief history of this man's knaveries will be sufficient to prove this. It seems, some sixteen years ago, he was elected by the Legislature of Georgia, a Commissioner, with two others, to sell certain fractions of the State; but, betraying the trust confided to him, he was impeached before the Senate, and, after an investigation of the matter, during which he *enjoyed the benefit of cross-examination and compulsory process to procure witnesses in his favor*, he and his colleagues were convicted; whereupon the President of the Senate passed sentence upon them; observing that, after a patient examination, before the highest judicial tribunal known to the Constitution and laws of *their country*, they had been found guilty of basely conspiring against the honor, the interest, and dignity, of the People who had confided their property to their trust and management; that the high Court of impeachment were satisfied and convinced of the infamy and guilt of their conduct, and pronounced Mr. Francis Flournoy to be disqualified from holding and enjoying any office of honor, trust, or profit, within the State, for and during the term of *twenty years*. A certified copy of this sentence accompanies the evidence herewith submitted; and this witness, whose character has been festering for the last sixteen years, and who is yet under the ban of the sentence, is *raked up* a witness. His conduct on a recent occasion shows, that the hope of reformation is extinct. But let him pass.

The next witness brought forward to inculcate me, is *Abram Miles*, who swears, "that Col. Crowell informed witness that Gen. McIntosh was, at the time, at his own residence, with a guard around him, and that he would be killed by a party opposed to the treaty." Witness states this conversation to have taken place on the 27th April, 1825. That this was the opinion of many, I presume will be admitted; even my accuser was of the same opinion, as early as the 26th February, 1825; for, at that time he despatched his Aid with a talk to the hostiles, as he chose to designate them, in which he says, "if if any harm is done by you or your people, to M'Intosh and his people, I will pursue you until I have full satisfaction;" and yet, the expression of such an opinion is brought up in judgment against me. That his Excellency's interference in the affairs of the nation hastened the death of these persons, I have no doubt: but, that they would have suffered for a violation of the law, at a remoter period, I have as little doubt. In the examination of the subsequent part of this defence, circumstances will be developed to satisfy even his Excellency of the justness of these conclusions.

But to return to the examination of the testimony. Passing over the testimony of Elijah M. Amos, who states no material fact; but, what he does state, reference to Doyle's and Jesse Wall's testimony will shew that he stands contradicted. I will take a brief view of Mr. Jesse Coxe's testimony. And, in considering this, it is subject, on its face, to this remark: That the questions are of so leading a character that it is only necessary for him to answer in monosyllables, affirmatively or negatively, in order to convey all the information sought.

He is asked if he was at the store of Thomas Crowell, in the Creek nation, on the 20th of April last, and if he saw Col. Crowell there; if he did, he is requested to state whether or not he heard the Agent make use of the following expressions, or words of similar import: "Damn-ed cowards! I always hated them. I still hate them worse and worse; any people that would suffer one man to sell their nation ought to die and go hell. I once put that fellow. (meaning McIntosh,) down, where he ought to remain, but the Big Warrior and Little Prince reinstated him. I hope the Big Warrior is now in hell for it, and that the Little Prince may soon follow. When I was at Washington, I communicated to General Jackson the grievances of the people, and, he with a voice of thunder, asked if the Creek nation had lost all spirit of resentment?"

2d question put to the witness, is: "If you did not hear the above expressions quoted, relate what you did hear on this subject, and whether any persons were present?"

Witness answers,

To the 1st question, "I was."

To the 2d question, "I did."

To the 3d question, he answers, "I did hear the Agent make use of those words."

To the fourth question, he answers, "I heard nothing more."

Now, considering the manner the questions were put to this witness, and the answers he gave, it was quite a convenient way of getting a witness to say what the examining member of the committee wished, but rather a singular and unusual mode by which to get legal evidence. But even with all the aids furnished by the examiner in making the statements, I affirm it to be entirely untrue; and the proof of this affirmation is to be found by reference to the testimony of Drury Spain and Enoch Johnston; the former of whom states, "that he is well acquainted with Jesse Cox, of Jones county, in Georgia; that, when the said Cox, on his way to Alabama, put up for the night at Thomas Crowell's, this deponent also happened there, and staid all night; that Col. Crowell was also there; that he, the witness, Col. Crowell, and the said Cox, were, during the evening, sitting together on the piazza; that, when supper was announced, this deponent and Col. Crowell went into the supper room. After a little, it was asked why Mr. Cox did not come to supper. It was answered that he was taking supper in another room with his family; and said Cox was not at supper with this deponent that night. After supper was over, this deponent and Col. Crowell retired to the sitting room; there was no other person there; presently Col. Crowell said he would retire to his room, and went out with that view, and to his room; that this deponent did not see the said Cox and Col. Crowell together after supper, and did not see Cox again that night; nor does he believe that he quit his room that night, as he complained of being very tired. In the morning, this deponent rose about sunrise, and Cox had started to Alabama. This took place about the 20th April last. This deponent has seen the testimony of Cox, taken before the Committee of the Legislature of Georgia; and he states most positively

that he heard no such conversation or remarks from Col. Crowell as are attributed to him in the testimony of Cox ; nor does he believe, from the above circumstances and what follows, that any such conversation or remarks were ever made by Col. Crowell.

“ And this deponent further says, that a few days after Cox passed with his family to Alabama, a traveller said that a man from Georgia, by the name of Cox, had stated, in Alabama, that Col. Crowell should have stated in his hearing the conversation contained in Cox’s testimony before the committee. In the fore part of May last, Cox stopped at this deponent’s house on his return from Alabama. This deponent then stated to Cox that a traveller had informed deponent that he, Cox, had said the Agent, Col. Crowell, in a conversation with him, Cox, said that the Indians were damned cowards, and that the Agent hated them worse and worse ; that he had once put down McIntosh, but the Big Warrior and Little Prince had reinstated him ; and he hoped the Big Warrior was in hell for it, and that the Little Prince would soon follow. This deponent then asked Cox, distinctly, whether he had said so, or heard the Agent, Col. Crowell, say so, or say any thing like it : to this question Cox distinctly answered, *he never heard the Agent say any thing about the subject, but that he, Cox, had said he heard another man say so.*”

Enoch Johnston testifies “ that he was present during the night that Jesse Cox staid at Thomas Crowell’s, on his way to Alabama, in April last ; and, from his observations and his general attendance during the time, *heard no conversation like that attributed to Col. Crowell in the testimony of Cox, which he has seen and heard read ;* nor does he believe any such conversation took place. His reasons for this belief are, that Cox did not eat supper at the table with Col. Crowell, but supped with his family in a private room ; was not out of his room after supper, as witness recollects, because he started very early in the morning ; and he soon after (Col. Crowell) returned to his own quarters in another building ; and because Col. Crowell seldom visits the bar room, and seldom visits the tavern, except to eat his meals, and then again returns to his own quarters.” It will be perceived in the testimony of Spain, that he alludes to the same time that Cox does. And, from the circumstances minutely stated by Spain and Johnston, it is quite certain that, if I had made use of the declarations imputed to me by Cox, that Spain, at least, must have heard it too ; yet both Spain and Johnston state they never heard any such declarations. Again, Spain having heard that Cox had reported such a story in Alabama, on Cox’s return he puts the question distinctly to him, Cox, who answered he never had said any such thing as coming from me, but that he had said he *heard it from another man.*

I am apprised that it is said that one affirmative witness will outweigh many negative ones ; yet, is it not extraordinary that the alleged declarations should have been intended for the pruriency of Mr. Jesse Cox’s ear alone ? Besides, it will be observed, that the last question Mr. Cox does not choose to answer ; for what purpose is apparent, since it is evident, if he had done so, he might have sur-

nished evidence against himself. This fact, taken in connection with the suspicious manner of putting to him the "questions," quoting verbatim the very words to which it was desired he should testify, shews, that the veriest wretch who ever ate the bread of perjury could not have sworn more at random.

*John C. Kennedy*, is the next witness brought forth to prove certain expressions, which he alleges to have heard me make, pending the investigation before the committee. This witness evidently details a story coined for him by some person, to be used before the committee, as a brief reference to his testimony will shew. He describes me in the following manner: "A man of rather a **DARK COMPLEXION**, whom they frequently called *Colonel Crowell*." Now, as I am known to have quite a *different complexion*, it must be evident he meant some other man, if indeed he ever heard any such conversation. No such conversation ever took place as he has alleged. If it had, it is quite possible there would have been sought an opportunity of finding the *nameless* individual with whom it had taken place, since the witness says this person and myself appeared to be "both very mad," and "walked off."

Such is the species of testimony—such its character and weight—which a committee on the state of the Republic has been gravely engaged in collecting, to prove that I "instigated, in chief, the death of McIntosh." In reference to a majority of this committee, whose labors have terminated so successfully, I will remark, that it is painful to observe to what lengths men will go, whose minds are under the influence of prejudice, in their ruthless efforts to injure one whom they imagine has stood in the way of a favorite purpose. They are welcome to all the enjoyment such efforts may yield them, and to all the advantages of the achievement. I shall never disturb the pleasures of the one, or interfere with their claims to the glory of the other.

Before closing this hasty and imperfect view of the testimony, I will here take occasion to remark that, hitherto, I have passed over in silence that testimony which the committee has collected, in reference to the conduct and sayings of others, with a view, as a majority of the committee allege, to establish "an unity of purpose and concert in action" between those persons and myself; and noticing this evidence at this time, I have done so only to mark more clearly the injustice of the whole proceeding; since, whatever may be the opinion of this committee, in reference to the question of how far I ought to be affected by the sayings and doings of men over whom I had no control, and therefore for whose conduct I could not be responsible, it cannot be considered than anomalous in its tendency, and oppressive in its consequences. Before taking leave of this branch of the subject, I deem it necessary to advert to one or two more pieces of evidence, connected with it, in reference to the immediate causes that hurried McIntosh to his fate. It has already appeared that his Excellency sent his Aid into the nation, threatening "*vengeance*" and destruction if McIntosh was harmed; and it was then observed, that circumstances would be developed to satisfy even his

Excellency, that his interference accelerated the death of McIntosh; though intended otherwise, I have no doubt. Referring to the documents, it will be found that a letter has been published, with McIntosh's name to it, of the 25th April last, in which he is made to say that he "consented to the immediate survey of the land, and purporting to be signed 'in behalf of the nation, and the consent of the chiefs of the same.'" His Excellency's proclamation convening the Legislature, which is a matter of public notoriety, the letter above referred to, connected with McIntosh's violation of a national law, were the immediate causes of his death, as appears by the testimony of Col. Hambly and others. The existence of this law is clearly established by the letter of General Gaines, of the 10th of July, to the Governor of Georgia, in which he says, "I met them (the Indians) at Broken Arrow, the usual place of holding the Great Council of the nation. I could not, therefore, but view this supposed hostile party as in fact and in truth the *Creek Nation*, and altogether free of the spirit of hostility ascribed to them. I have received from them, in Council assembled, the most deliberate assurance of their determination to be peaceable and friendly towards their absent people, as well as towards the United States. They regretted the necessity which they contend existed, for the strong measures they adopted against General McIntosh, and others, who, they affirm, forfeited and lost their lives by having violated a well known law of the nation. They have engaged to restore all property taken, and to pay for all that has been destroyed contrary to law; and they have promised to allow a reasonable time for those who have borrowed and run off with money out of their national treasury, to reimburse the same." By the testimony of John Winslett, who states, that, "when McIntosh was about to sign the treaty, Poethle Yoholo reminded him he was about to violate a law that had been made by the nation, and warned him of the consequences." This witness is corroborated by Capt. Triplett, Colonel Hambly, Rev. L. Compere, Bailey, and others. The Rev. Isaac Smith states, "that, at a ball-play near his house, about one year ago, McIntosh proclaimed it to the Indians, and said whoever broke it would be put to death. Chilly McIntosh has mentioned the existence of such a law, and that no land would be sold in consequence of that law." He is corroborated by the two Mr. Berryhills, and various others.

It is deemed to be unnecessary to extract more from the mass of testimony collected on this subject. The facts disclosed are conclusive, that McIntosh and his friends became the victims of their own misconduct in violating this law; that their fate was precipitated by the proclamation of the Governor, and the letter which he published, connected with his Aid going into the nation: for, while the latter lulled them into a false security, the two former produced the immediate result above mentioned. But it has been intimated, that the determination of the Indians was known to me. Reference to the Talk of the chiefs in Council, to General Gaines and Major Andrews, proves that no white man but Hutton knew of it.

It has been supposed that, if I suspected it, I ought to have prevented it. There was but one way to have done that, since his Ex-



cellency's threats had no effect; and that was, to have apprised McIntosh of the danger. He was apprised of it: for it appears the Governor sent his Aid into the nation at the request of McIntosh and his friends. But I need not say more on this topic. The evidence is conclusive, to sustain what I have said; and I now leave this branch of the subject. In doing which, I cannot forbear to observe, that, abstractly, the Legislature of Georgia stepped aside from the legitimate objects of their duty, when they instituted this inquiry; since, being an officer of the General Government, whatever my official conduct may have been in relation to this matter, they, at least, had no right to institute proceedings for its investigation. They, doubtless, knew that exercising the right of investigating, implies also the right of punishing; and this latter, thank God! they did not, and could not, exercise. Yet their proceedings have produced one result—an opportunity has been afforded me thereby of satisfying the Government of my country that, however the contrary may be asserted, there exists no just cause for the charges which the Chief Magistrate of Georgia has thought proper to exhibit against me.

This brings me to the consideration of the fourth point, namely:

The means used in effecting the late treaty, as illustrative of the exciting causes which produced the execution of M<sup>c</sup>Intosh and others. However indisposed I may be to incorporate in this defence, facts and circumstances which will go to unmask a transaction in which the United States' Commissioners, and their ardent co-workers, were engaged; a transaction which, for fraud and corruption, and the culpable character of the means used, is calculated to cast a deep strain upon the national escutcheon; yet, feeling myself under the imperious necessity of doing so, in my own justification, I will proceed to the development of circumstantial particulars, in connection with the means used in effecting the late treaty, marked in their character by an unholy desire to attain the object, regardless of the consequences, and sustained by an imposition as gross as it was effectual, which it is my purpose to investigate as illustrative of the exciting causes of the death of McIntosh, and his friends.

This is an interesting branch of the subject, and will therefore be considered, in reference to the following particulars:

*First.* That the treaty was not made according to the letter or spirit of the instructions.

*Second.* That unusual and improper means were used in effecting it.

*Third.* That imposition was practised upon the Government to induce its ratification.

It is intended to consider these particulars in their order.

If this investigation should result adversely to the immediate interest of Georgia, she must ascribe it to the conduct of her Chief Magistrate, and his agents, in thus imposing upon me the unwelcome task.

As to the *first* particular, the subject naturally leads to the inquiry

into the extent of the Commissioners' instructions to treat for a cession of land.

In the letter of Governor Troup to the President, of the 23d December, 1824, before referred to, he remarks: "A treaty can be immediately signed, upon the conditions which will be disclosed by the Commissioners." This letter Colonel Campbell was the bearer of to the President. Soon after his arrival at Washington City, he addressed a letter to the Secretary of War, under date of the 11th January, 1825, accompanying the documents, in which he observes: "The facts heretofore disclosed, shew a willingness on the part of the Indians within the Georgia limits, to cede their territory, and to emigrate; but insurmountable obstacles present themselves to the acceptance of a treaty thus concluded. I now propose to re-assemble the chiefs, of the whole nation, to renew the offers already made to obtain the entire Creek country, if practicable; but, if this cannot be effected, then to accept a treaty signed by the chiefs within the limits of Georgia: provided such treaty be accompanied by the assent of the other chiefs, that the land to be abandoned by the emigrating party, shall be immediately subject to the disposition of the Government. If the President entertains the like views, and we can receive specific instructions that the plan here proposed, coincides with the wishes and policy of the Government, I have a strong assurance that a treaty highly favorable may shortly be obtained." To which, on the 18th of January, 1825, the Secretary of War replies: "The President has deliberately considered the proposition submitted by the Commissioners, to treat with the Creeks, of holding a separate treaty with Gen. McIntosh for a cession of that portion of the Creek territory lying within the limits of Georgia; and although he is very desirous of acquiring for the State of Georgia the land in question, he is of opinion that he cannot, with propriety, authorize the treating with Gen. McIntosh alone, as proposed by the Commissioners. There can be no objection to an arrangement with him to abandon the country which he now occupies, and to settle, with his followers, on such tract of country as might be assigned to him on the West of the Mississippi; but the President is of opinion, that it is *not in the power of General McIntosh to cede any portion of the lands belonging to the Creek nation*, without the assent of the nation itself. The principle on which such cession would be made without such consent, would involve the idea that every individual in the nation would have a right to cede to the United States, the particular portion of the country in which he might be in actual occupancy, and would, in effect, completely destroy that degree of independence which, under the laws, treaties, and usages, of the Government, they have ever enjoyed. Though (the Secretary proceeds to remark) a treaty cannot be made for these reasons, with General McIntosh alone, for a cession of territory, yet the President can see no objection to a renewal of the negotiation as proposed by your letter of the 11th instant, in order to obtain an arrangement with General McIntosh, *with the consent of the nation*, for a cession of the country in question, and you are ac-

cordingly, in conjunction with Major Meriwether, as Commissioners, authorized to renew the negotiation. You will however distinctly perceive, in the remarks which have been made, that, whatever arrangement may be made with General McIntosh for a cession of territory, must be made by the *Creek nation*, in the usual form, and upon the ordinary principles with which treaties are held with the Indian tribes." Thus, we find, by reference to Colonel Campbell's letter, the "*conditions*" alluded to by Governor Troup, fully explained, and a proposition formally submitted to the Government to treat with a particular portion of the Creek nation, provided such treaty be accompanied by the assent of the other chiefs. This proviso was put in, doubtless, because Colonel Campbell viewed the "obstacles" as "insurmountable," if a treaty with a part of the Indians should be made without such "assent." Passing on to the reply of the Secretary of War, we find the nature and extent of the instructions to the Commissioners, plainly and specifically limited by the words "you will, however, distinctly perceive in the remarks which have been made, that, whatever arrangement may be made with General McIntosh for a cession of territory, must be made by the Creek nation, in the usual form, and upon the ordinary principles with which treaties are held with the Indian tribes." Such being the nature and limits of the instructions of the Government, I will proceed to inquire whether they were pursued by the Commissioners; for, since I protested against the treaty, as has already been stated, because it had been made in direct opposition to the letter and spirit of the instructions, it imports me much to shew, that, in so doing, I but discharge my duty. It will be recollected, from what has already been shewn, that there were two principal chiefs of the nation, *Little Prince*, (whose Indian name is Tustunnuggee Hopoe,) *Big Warrior*, (whose Indian name is Tustunnugge Thlucko,) and Poethleyoholo, was their representation at the Indian Springs; and, on reference to the treaty, it will be found that neither of these signed it; and when we advert to the fact that the Commissioners, in their letter to the Governor of Georgia, dated the 13th of February, at the Indian Springs, the day after it was executed, communicate to him, that "the long agony is over," and that they concluded a treaty yesterday with what *they consider* "the nation." Is it not somewhat singular that they should in that letter, use the terms "long agony is over, and with what we consider the nation?" Comparing this mode of expression with the facts that have transpired, connected with those which here follow, it is pretty evident that even the Commissioners themselves were not satisfied that they ought to announce, certainly, that the treaty was made with the nation. These facts are to be found in a letter from General Gaines to the Governor of Georgia, dated Flint River, 10th of July, 1825, before referred to, in which he says: "The reputed hostile party consists of all the principal chiefs, and of nearly forty-nine fiftieths of the whole of the chiefs, head men, and warriors, of the nation, among whom I recognized many who were in our service during the late war, and, who,

to my certain knowledge, have been, for twenty years past, and I think they have been at all times, as friendly to the United States, as any of our Indian neighbors could have been known to be;" and in another part of his letter, he says: "The council strongly and unanimously objected to the late treaty, as the offspring of fraud, entered into contrary to the known law and determined will of the nation, and by persons not authorized to treat. They refused to receive any part of the consideration money, due under the treaty, or to give any other evidence of their acquiescence in it."

In addition to this evidence, strong and conclusive as it is, I will advert also to the testimony of Captain Triplett, who says, that, "when McIntosh was called up to sign the treaty, Poethleyoholo advanced and met him at the table, and said, my friend, you are now about to sell our country; I now warn you of your danger." This witness further states, "that the head men of no other town in the nation, except the Cowetau head chiefs, had signed the treaty, who was McIntosh; and Tome Tustunnuggee was the second in rank in the same town, but not a national chief. That McIntosh was the fifth chief of the nation." Hambly also states in his testimony, that he "was present and interpreted for the Agent, when he informed them of the ratification of the treaty, and letter of McIntosh, and the Governor's proclamation: general consternation and distress prevailed. Witness thought they manifested more extreme sorrow, than he had ever known on the most sorrowful occasion. They considered the ratification of the treaty as a national calamity. The Agent urged them to conform to the provisions of the treaty, and that he had obtained directions from the Government to have the \$200,000 paid in the same manner as the several annuities had been distributed. The chiefs and headmen in Council declared, one and all, that, having sold no land to the Government, they would receive no money; that they would not use force against their Great Father, but that they would die on their beloved land, and let their bodies enrich the soil by their decay, that the world might see that the Muscogee nation died for the love of their native land, and would not desert the graves of their fathers." And yet, notwithstanding all this evidence, the Commissioners write to the Governor, that the long agony is over; that a treaty is concluded with "what we conceive to be the nation." The long struggle between native honor and cultivated knavery, in which the latter triumphed, had indeed terminated. In this point of view, the aptitude of the quotation is most striking.

In establishing the *second* particular, that unusual and improper means were used, in effecting the late treaty, the first thing that here strikes the mind, is, *the place where the treaty was held*. It will be recollected, that the first meeting of the Commissioners was held at Broken Arrow, the National Council Square of the Creeks. Why, then, was the place of meeting changed to the Indian Springs, in Munroe county, Georgia? I will proceed to answer this question, and, in doing so, if I should disclose conduct, on the part of the Commissioners and those in their employ, calculated to cause the crimson

blush of shame to mantle on their cheeks, they must recollect, that I am but drawing a copy from the original, which they themselves have furnished.

In addition to the testimony already disclosed, when considering the testimony of Williamson, I will now proceed to the disclosure of facts in relation to the conduct of the Commissioners, and those in their employ, while at Broken Arrow. The first evidence which I shall advert to on this point, is that contained in the testimony of Joel Bailly, who states that he "was at Broken Arrow at the meeting in December, during the whole period of the meeting, and attended at the request of McIntosh. Witness made use of all the exertions in his power to effect a treaty at that place. At first voluntary, afterwards authorized and sanctioned by the Commissioners, he made propositions to Doyle to induce him to favor the treaty. Witness did visit the Little Prince one night during the stay at Broken Arrow, in company with Doyle, with a view to making some propositions to him, but found him so averse to making a treaty, that he left him without coming to any understanding with him; went with the knowledge and consent of the Commissioners; made some propositions, at Broken Arrow, to General McIntosh, by authority of the Commissioners; said propositions contemplated a cession of land within the limits of Georgia. McIntosh agreed to sell all the land in the limits of Georgia for three hundred thousand dollars, and forty thousand dollars to him, viz. twenty-five thousand dollars for the reserves purchased by the late treaty, and fifteen thousand dollars as remuneration for his trouble, &c. *That McIntosh expressed to the Commissioners his willingness to sign a treaty at his house, but objected to doing so in the square, as he said they would put him to death in consequence of the law, if he did so.* Commissioners declined taking a treaty at his house; McIntosh became alarmed, having gathered from some source the intention of the Indians to execute him at Broken Arrow, and went off at night to one of his houses on the Chatahouchie."

*Winelett* states, that, "at the Broken Arrow treaty, a party of Indians were way-laying McIntosh to kill him, for attempting to sell some of the land; that they suspected him, in consequence of having a private correspondence between him and the Commissioners. McIntosh made his escape in the night out of a window, and went to Coweta, and did not return at all."

*Nimrod Doyle* states, that "McIntosh told him at the meeting at Broken Arrow, that the Council had broke him as Speaker; the cause was a suspicion that he, McIntosh, was holding secret talks and meetings with the Commissioners; that the Council had made him mad, and he would sell the land to the Commissioners. Upon being informed by witness that much distress would be the consequence, McIntosh replied he did not care; that three thousand dollars, in the pockets of his friends, would take them any where: he went to Coweta at night; the Commissioners followed him." In another part of his testimony, witness says, "he went with Bailly to the Little Prince, as interpreter; understood his object to be to

bribe Little Prince. After a little conversation, witness told Baily it was of no use, and refused to interpret further. Col. Campbell inquired whether Baily had given Little Prince a *strong talk*." In these statements these witnesses are corroborated by the chiefs in Council, in the talk recently held with General Gaines and Major Andrews; by the letter from Col. Campbell himself, of the 8th of January, 1825, to the Secretary of War, in which he says the utmost consternation was discoverable whenever it was known that the Commissioners and the Coweta chiefs had had an interview, and we have before seen that McIntosh was a Coweta chief; by the letter of the Commissioners to the Governor of Georgia of the 14th December, 1824, before referred to, wherein they say, "your express found us absent, on a *small excursion up the river*, on business most importantly connected with our mission;" also by Hambly, the interpreter, and John H. Brodnax. The question recurs, why did these Commissioners change the place of the second meeting with the Indians, from Broken Arrow to the Indian Springs, in Georgia? Why, but to relieve the fears of McIntosh? Why, but to operate upon his avarice more successfully? Why, but to enable their agents to carry on their system of corruption, of so rank a character that it *smells* to heaven. Was this course in conformity to their instructions? The answer is to be found in a part of the Secretary of War's letter to Col. Campbell, before referred to. Here it is: "Whatever arrangement may be made with General McIntosh (the Secretary remarks) for a cession of land, must be made by the Creek nation." Is any further answer required? Again it is to be found in the instructions: "The principle upon which such a cession would be made, without such assent, would involve the idea that every individual in the nation would have the right to cede to the United States the particular portion of the country in which he might be in actual occupancy, and would, in effect, completely destroy that degree of independence which, under the laws, treaties, and usages, of the Government, they have ever enjoyed." Can the matter be placed in a stronger point of view than this? Yet we find the treaty was made and concluded upon the very principle involving the very idea which the Government was so anxious to prevent!

Under these circumstances, my accuser has arraigned my motives before the world, and has even induced Mr. Forsyth, in his letter to the Secretary of War of the 9th March last, to remark, that "the conduct of the Creek Agent, who has spared no pains to prevent the formation and ratification of the treaty, justifies an apprehension that he will not fail to obstruct, as far as is in his power, the accomplishment of the wishes of the State. Under this conviction, a request that the conduct of the Agent may be watched, and that no confidence shall be placed in him that can be consistently withheld, is dictated by the interests of the State of Georgia, the wishes of the Creek tribe, and the honor of the General Government." That I was opposed to the treaty is most true; that I endeavored to prevent its ratification, is also true, which, if I had not done, I should have been guilty of a double perfidy ;

1st; to my Government, 2d to the Indians, whose interests were confided to my charge in solemn trust; and thus have deserved the execration of every upright and virtuous man. Yet, if in endeavoring to prevent the ratification of "the treaty," for the causes stated in my letter to the Department of War, of the 13th February, I hazarded a rash opinion, I have at least the consolation in reflecting, that it was *not done* without proof of no ordinary strength and weight, and of knowing that that opinion is since found to be correct, if there be any truth in testimony or conviction in demonstration. What I then did, I would feel myself bound in conscience to do again; it was the result of a solemn conviction of duty, and if, by so doing, I have unintentionally injured the interest of Georgia, or cast a stain upon her character, it has been effaced by the stamp of a deeper one, fixed by the hand of her own Chief Magistrate.

The *third particular* in connection with this branch of the defence, is, *that an imposition was practised upon the Government.*

This is proven by reference to the letter of Col. Campbell of the 16th of February last, in which he remarks, "on the 13th instant we had the honor of enclosing to you, from the Indian Springs, the copy of a treaty which had been concluded the day previously with the *Creek Nation of Indians.*" It will be borne in mind that in the Commissioners' letter to the Governor, of same date, and therefore presumed to be written on the same day, that they use the words "what we consider" to be the Creek Nation. Is it possible to conceive a greater contrast between two letters written by the *same persons*, upon the same subject, and announcing the same event, than this; yet such is the fact here, and doubtless a knowledge that his Excellency was privy to the means used in effecting the consummation of this purpose so "devoutly" to be desired, and an "*ardent co-worker*" in bringing it about, induced the writer to use the words "*with what we conceived to be the Nation,*" as if his Excellency or others had doubted the fact: but, in the letter to the Department of War, those considerations had no influence; for we find that the writer used the words "*with the Creek Nation:*" and why should those considerations have been regarded? The writer of the letter well knew that he was communicating with the Government, who, confiding in the honor and integrity of its officer, but deceived thereby, could not suspect that imposition was intended; besides he was writing upon the subject of an Indian treaty, and, if he did misrepresent the fact, and the Indians should afterwards complain, he supposed their complaints would be drowned amid the clamor which his Excellency would raise, should the truth of the statement be questioned.

Again, in the same letter to the Secretary of War, Col. Campbell remarks, "there is nothing of singular import in the whole proceedings except the sudden and mysterious departure of the Cussetaws at night, *after solemn assent to a treaty.*" In another part of the letter, he remarks, "the attendance of the Chiefs, was a full one, more so than is usual when Chiefs only are invited. The opposition was feeble, and seems to have been directed by the Big Warrior. That all opposition

will now cease, and that the *dissenting* party will now treat and reunite themselves with the majority, I have no doubt." A slight examination of these remarks, will be sufficient, in connection with what has been already shown, and by the evidence to be adduced, to prove the fact, that imposition was intended; and this is manifest equally beyond the power of specious sophistry to delude, or ingenuity to destroy.

Speaking of the departure of the Cussetaus, he remarks, it was sudden "and mysterious;" now, reference to the solemn declaration of Poetheyoholo, who, in one place, in their journal the Commissioners designate as the deputy of the Big Warrior, and, in another, as the head Chief of Tuckabatchee, (and, who is, nevertheless, one and the same individual,) to General Gaines, will shew, that he told the Commissioners "that his head Chief ordered him to bring his Chiefs off, and not make a treaty." This Chief is confirmed by Captain Triplett, who states, in his testimony, "that the day before the treaty was signed, Poetheyoholo stated to the Commissioners, that they were not authorized to sign a treaty then; that his head Chiefs had instructed him to come there, and receive their talk, and return an answer, and to invite them to meet them at Broken Arrow, their National Council Square, in three months; and that the nation would defray the expense out of the annuity." Colonel Campbell replied, "it was impudence in him, to talk to him in that manner; that he, Campbell, had met them there to make a treaty, and it should be done. Poetheyoholo (says the witness) made no answer, but manifesting much indignation in his manner, sat down." Witness goes on further to state, "that some of the Chiefs and Yoholomico, and the son of the Little Prince, made some remarks in opposition to McIntosh, when Colonel Campbell told the Interpreter to tell them, that the Commissioners and Agent would withdraw, and leave them to discuss the matter among themselves; and when the Commissioners and Agent, and other white men, withdrew, McIntosh and his friends left the Council also, instead of remaining and discussing the matter with the Chiefs, as contemplated. At the time above mentioned, Col. Campbell further said, that the Chiefs would be furnished with candles, and continue the meeting at night; at night, the Chiefs opposed to the treaty, came to where witness was, and said, McIntosh's party would not meet them in Council, but had met the Commissioners at McIntosh's house; that night, about two hundred Chiefs went off." The Commissioners, in their Journal of 11th February, 1825, admit that the Big Warrior's deputy said, "I shall return immediately." Now it is asked, how does this testimony comport with the alleged "sudden and mysterious departure" of the Indians, as expressed in the letter under examination. Returning to the declarations of Colonel Campbell, in reply to the Chief, there will be found a harshness of expression ill according with the character of a representative of a Government whose magnanimity has never permitted it to insult the weak that are unable to resent; and these expressions shew any thing but the solemn assent of the oppo-



sing Chiefs to a treaty. It will be recollected, that Gen. Gaines says, "that the reputed hostile party consists of all the principal Chiefs, and of nearly forty-nine fiftieths of the whole of the Chiefs, head men, and warriors, of the nation; that, in full Council, they declared the treaty was obtained by fraud." Yet, Colonel Campbell deliberately asserts, in the above letter, that the Cassetaus went off after *solemn assent* to a treaty; and here mark the expression, "*a treaty*;" even the writer had not the effrontery to say, "the treaty;" those words imply, also, that "the treaty" and its terms, had not then been submitted to the Chiefs in Council. Pursuing the examination of the letter, he asserts further, that "the opposition was feeble." General Gaines says, the opposition consists of "forty-nine fiftieths of all the Chiefs of the nation." The Colonel's facility of expression, enabled him to add, "the dissenting party will now treat and reunite;" yet, we find them declaring, "one and all," *that they sold no land*; and "would, therefore, receive *no money*; that they will manure the land with their bodies, and let the world see that they will not desert the graves of their fathers."

But Colonel Campbell is involved in another inconsistency, by no means an unusual result, when deception is the object. By reference to the often referred to Journal, of the *memorable* 11th February, I find that "the Commissioners were told in Council, by one of the Chiefs, that *General McIntosh knew* that no part of the land could be sold, without a full Council, and with the consent of all the nation; and that the Commissioners were invited, in *three months* hence, to meet at Broken Arrow: this confirms the testimony already given upon the subject of *the invitation*. Wherefore, then, should they be invited to meet at Broken Arrow, if a "*solemn assent*" had been given to a treaty?"

The Journal states further, "that the Chiefs, who were in favor of a cession, were vastly superior, in grade and numbers," to those in opposition; and, in the letter above quoted, he says, the meeting was a full one, and more so than is usual, when Chiefs only are invited. Indeed, how came it then, that only eight towns were represented there, as will appear by reference to the treaty? It is notorious, that there are fifty-six towns in the nation, and the signers to the treaty consist of underling Chiefs, broken Chiefs, and boys.

But these are not the only evidences of imposition practised upon the Government; the 5th article in the treaty itself, which requires the \$200,000 to be paid by the Commissioners to the Indians, at their request, was never read or interpreted to them in Council.

This fact is established by Captain Triplett, who states, in addition to what is already shewn, in relation to the witnessing of the treaty, before commented on, "that the next day after the treaty was signed, Colonel Crowell received a copy of the treaty; and, after the letter of Colonel Crowell to the Secretary of War had been sent off, witness took it from him, and read it to himself, until he came to the fifth article, and that, striking him as strange, he read to Col. Crowell, who immediately stated that that article had not been in-

terpreted, and asked witness if he recollected it; to which witness replied, he had not heard it interpreted; both witness and Col. Crowell was struck with astonishment, when they discovered, as above related, that that article was in the treaty. Witness asked the Interpreter if he had interpreted the fifth article, explaining it to him? to which he replied, it was not read by Colonel Campbell, and he had not interpreted it. In consequence of this discovery, Col. Crowell determined to go on to Washington, and urged witness to go on with him; which they did, immediately." Hambly swears to the same thing, and various others.

Upon this part of the testimony, establishing the facts that *an article* was inserted in the treaty, which was never read or interpreted, and no request of the kind, as stated therein, was made in Council, taken in connexion with the fact, that the \$ 200,000 was to be paid to the emigrating party, as provided by the eighth article, it is unnecessary to make any comment, further than to remark, that a scheme, so adroitly planned, evinces a masterly genius; and one, who is something more than a Sciolist in the science of Chivance.

Without pursuing the subject further, the *three particulars*; 1st, that "the treaty" was not made according to the letter or spirit of the instructions; 2d, that there were unusual and improper means used to *effect it*; and 3d, that imposition was practised upon the Government to effect its ratification; in reference to which, the fourth point of my defence has been considered, I apprehend are clearly established. These means used in the accomplishment of the treaty, as developed in the foregoing examination, illustrate, it appears to me, clearly and satisfactorily, the exciting causes of the death of McIntosh and his friends. *The remaining point*, according to the order herein before laid down, is the uniform tenor of my official conduct, as deduced from the evidence collected during the investigation.

It is always unpleasant to speak in one's own behalf, but it is inconceivably more so, when to repel the attacks of the malicious, to controvert the suggestions of the revengeful, or to detect and expose the designs of the interested defamer of one's character, it is imposed as an act of solemn duty. Yet, even on this occasion, and under these circumstances, I would forbear to add any thing on this particular topic, if it were not for the suggestions contained in Mr. Forsyth's letter before referred to, in which he sought, at the request of His Excellency, to induce the Government to watch "over my conduct, and to withhold its confidence" in me as its officer; added to "the conviction" which the writer felt that it was dictated by the interest of Georgia, *the wishes* of the Creek tribe, and the "honor of the General Government."

How far the interests of Georgia have been advanced by the manner of effecting the late treaty, or how much they may have been jeopardised by my attempts to "prevent its ratification," are questions which it does not become me to determine. The propriety of the *assertion* that the course suggested was in conformity to the wishes of the Creek tribe, the honor of the Government, may be gathered from the evidence here adduced. Luther Blake, in his tes-

timony on the subject, remarks, "that he is particularly acquainted with the official conduct of Colonel Crowell as Creek Agent; that, from his knowledge, derived from a daily intercourse with the Indians, of the disposition of the chiefs and head men of the nation, witness states that Colonel Crowell has their full confidence." Drury Spain, in his testimony, remarks that "he has been present at the payment of every annuity since I have been agent, and the annuities have always been paid in cash to the various chiefs; and this deponent further says, that, from his knowledge of my official conduct for five years past, he believes me to be a faithful public officer, and worthy of the trust reposed in me." Captain Triplett observes in his testimony, "that he has had many opportunities of forming a correct judgment of my official conduct, and is enabled to state, most positively, that, in every instance that has come under his observation, my official conduct evinced a determination, faithfully to discharge my duty to the General Government and Creek nation." John Buckhanon, in his testimony, states that he is particularly acquainted with me, and from his knowledge of the manner, "I have discharged my official duty; he believes me to be a faithful public officer." John A. Peck, in his testimony, expresses his opinion, from a long and intimate acquaintance with me during my agency, that I "did discharge correctly, as Agent, my duty, and always appeared disposed and anxious to discharge my duty to the General Government and the Indians." Joseph Hardage states, in his testimony, that he "has had many conversations with the chiefs and head men of the Creek nation, from the highest to the lowest, and, except McIntosh, they have always manifested the most perfect confidence in me as their Agent; that this confidence was created from my uniform correct deportment as Agent, generally, and particularly from the uniform faithful manner in which I distributed to them their annuities; and, from the circumstances that have come to his knowledge, he does believe, that the cause of McIntosh's opposition to the Agent, was because he would not allow McIntosh to control the disbursements of the annuities, as he used to do under General Mitchell; another cause of McIntosh's opposition, was prosecuting George Stinson who came into the nation as a trader, by the instigation of McIntosh, in defiance of the laws of the United States, and without license." Nimrod Doyle, in his testimony, says, that I "have the confidence of the Indians; has been present when the annuities have been paid by the Agent, and that they were uniformly paid in cash, according to the instructions from the General Government; that the Indians have frequently remarked the difference made of paying their annuities by the present Agent, and the late one, General Mitchell; he, the latter, always, according to their account, paid them in goods, instead of cash." The foregoing evidence, in conjunction with the testimony of various other witnesses, I apprehend, will be sufficient to shew the unjustness, not to say the impropriety, of the remarks contained in the letter above referred to. The facts then deduced from the evidence, shew the uniform tenor of my official conduct,

my anxiety faithfully to discharge the trust with which the Government had honored me ; and although in these things I may have failed in advancing the "honor" of my Government, yet, I humbly trust, before its confidence is withdrawn, something more will be required than the unsupported suggestions of Mr. Forsyth, or any other man. Having thus taken the several views of the charges preferred against me, and attempted to be supported by *ex parte* evidence, of a character aside from that circumstance, must destroy any belief in its truth ; having established, as I humbly conceive, my entire innocence of the charges made against me, and given to the motives of my accuser their true character ; having shown the arbitrary and oppressive means used in collecting the evidence against me, and fixed the true standard of its weight and influence ; having developed the means used in effecting the late treaty, as illustrative of the exciting cause which produced the execution of McIntosh, and others ; and, finally, having deduced from the evidence collected in my behalf, the uniform tenor of my official conduct, as connected with the General Government and the Indian nation ; I trust, I may be permitted the indulgence of the hope, that I have, in these, dispelled every doubt that could cloud the dawn of an honorable acquittal.

I am fully sensible, that, in this defence, voluminous as it is, there are many defects, and that a much stronger and better view might have been taken of the evidence than I have been able to do. I must, therefore, respectfully request you and the Government, to refer to the evidence to supply such defects as may be discovered ; and if, in the foregoing defence, I should not have been able wholly to command my feelings ; if some pointed remark, or bitter reflection, should have escaped me ; I most earnestly beg you will attribute it to the infirmity of human nature, which is unable wholly to control the indignation felt at so unjust, oppressive, and extraordinary a procedure on the part of my accuser and his agents, and which has rendered this defence necessary. To you, and to the General Government, it is submitted, under the solemn conviction that, however influential the character of my accuser, or commanding his station ; yet, that these adventitious circumstances will add nothing to the accusation, unsupported by legal testimony, nor detract from the poor merits of my defence ; but that, under any circumstances, the paramount consideration will be, to poise the scales of justice with an even hand. This confidence in the Government of my country, arises from the well known public and private virtues which adorn the character of those by whom it is administered.

JOHN CROWELL,  
*Agent for I. A.*

July 30th, 1825.

Colonel Crowell to the Commissioners appointed by the Governor to collect testimony, &c.

CREEK AGENCY, June 20, 1825.

Gentlemen : I have understood that you have been appointed by

the Governor of Georgia to superintend in the Creek Nation the investigation of the accusation which he has deemed requisite to make against me.

Although I have not had the privilege extended to me, by the Legislature and Governor of Georgia, which is granted by the constitution of our country even to the culprit on his trial; although it is apparent from the course pursued (in publishing the ex parte evidence collected, proposedly for the adjudication of another and different tribunal,) that the prejudice of the community is sought to be excited against me, which, like the sword of Brennus, is to be cast into the scale against me, to make up for all deficiencies in the weight of the testimony; and, although this course of proceeding is appreciated, yet being desirous of affording my accuser the full benefit of a cross-examination of the witnesses to be adduced in my behalf; desiring a fair and impartial investigation, and conscious of the correctness of my official conduct, I herewith invite you to attend the examination of my witnesses in the Nation, for the purpose of putting to them such questions in reference to my deportment as you may think proper.

Of the time and place, you will be notified. In giving you this invitation. I wish you distinctly to understand, that it is not given under the impression that it is your right—since I have not been confronted with witnesses against me—but is given under a full conviction of being able fully to establish my innocence by witnesses who shrink not from the ordeal of a cross examination, and to show you that my defence rests not like the accusations against me, upon the flimsy foundation of garbled evidence arbitrarily taken, and improperly reported.

I am respectfully yours, &c.

JOHN CROWELL.

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*Commissioners of Georgia to Colonel Crowell.*

FORT MITCHELL, 25th June, 1825.

SIR: Your letter under date of the 21st instant, has been duly received, and we shall be happy to avail ourselves of the opportunity to cross-examine any witnesses you may deem necessary. On our part, we would observe that the Government of Georgia feels no disposition to deprive you of any and every means of justifying yourself. We have no doubt that you would have been permitted to be present and cross-examine the witnesses before the Committee of the Legislature, had a request been made by you, and we have been particularly instructed by his Excellency the Governor to afford you that privilege.

You shall be duly notified of the time and place of examination.

We are, Sir,

Yours, respectfully,

WARREN JOURDAN,

SEABORN JONES,

WM. H. TORRANCE,

*Commissioners.*

Col. JNO. CROWELL.

*Commissioners of Georgia to Colonel Crowell.*

FORT MITCHELL, 28th June, 1825.

SIR : We shall proceed this day, at 11 o'clock, at the house of Kendall Lewis, to take the testimony of Kendall Lewis and James Moss; and shall proceed from thence forthwith to Line Creek, and from thence to Montgomery, in Alabama, to take the testimony of witnesses at the two last named places; when we arrive at the several places, we will have it in our power, and will inform you of the names of the witnesses that we shall call on, and also the house at which we shall take their testimony.

Respectfully, your obedient servants.

WARREN JOURDAN,  
WM. W. WILLIAMSON,  
WM. H. TORRANCE,  
SEABORN JONES,

*Commissioners.*

Col. JNO. CROWELL.

*Colonel Crowell to the Commissioners of Georgia.*

PRINCETON, June 28, 1825.

GENTLEMEN : My counsel, Major Rockwell, informed you yesterday, that we would proceed to take the testimony of certain witnesses in my behalf on the morrow, after the Council should adjourn; I now apprise you of the names of the witnesses who are to be sworn before the Acting Agent, viz. Drury Spain, Andrew Berryhill, James Randell, Joseph Hardage, Jesse Wall. If you feel disposed to put cross interrogations to the witnesses, or either of them, you will have an opportunity of doing so this evening, at 6 o'clock, at my room.

I am, respectfully,

Your obedient servant,

JNO. CROWELL.

Messrs. JOURDAN, &amp;c.

*Copy of a letter to the Commissioners, 28th June, 1825.*

Your letter of this date is received, announcing your intention to proceed to take the testimony of Moss and Lewis, at Mr. Lewis', at 11 o'clock this day, a distance of twenty-six miles from this place.

Understanding that two of your body set out in the direction of Lewis' yesterday afternoon; believing that you were apprised that

Moss was in the vicinity of this place in the morning of yesterday ; and knowing that my counsel, Maj. Rockwell, apprized Mr. Terrance, in your presence and hearing, that it was our intention, this day, at the breaking up of the Council, to take the testimony of several witnesses, to which arrangement there was no objection ; under all these circumstances, I must be permitted to remark, that it seems, while you are willing to make a parade of fairness in the manner of procuring testimony against me ; while you have, in a formal communication to me, offered me the privilege of cross-examining those witnesses to be found in the Indian Nation, you take such measures as effectually puts it out of my power to avail myself of the offer, " holding the word of promise to my ear, and breaking it to my sense." Considering the manner in which that offer was made, being evidently drawn from you by my invitation to you to cross examine my witnesses, I am constrained to believe that you never seriously intended that I should enjoy the advantages of a cross-examination, and that your offer was merely a hollow pretext, to answer some hidden purpose.

When you wrote your note this morning, to which this is an answer, you were doubtless well apprized that the Council would meet to-day ; that preparations were making for the reception of General Gaines by the Chiefs, and that it was of much importance that I should be present. From what fell from some of you at Mr. Smith's, and from what took place between you and the General, I expected that you deemed it of importance that you should attend the Council also. With what propriety, then, could you communicate your intentions to me of taking testimony at Lewis', Line Creek, and at Montgomery, if you *were sincere* in your invitation to me to be present and cross-examine those witnesses ? I had hoped that the spirit of persecution and oppression by which your Governor is actuated towards me, would not have influenced his representatives ; but the course you have pursued satisfies me that that hope is illusive.

Respectfully.

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*Commissioners of Georgia to Col. Crowell.*

PRINCETON, 28th June, 1825.

COLONEL CROWELL :

SIR : Your letter of this day's date, in answer to ours of the same, has been received. In justice to ourselves, we must be permitted to deny, most unequivocally, that your " counsel, Major Rockwell, did, in our presence and hearing, notify Mr. Terrance of his intention, this day, to take the testimony of several witnesses, after the breaking up of the Council of Indians." We heard no such declaration ourselves,

and we were not apprized of any such intention on your part by Mr. Torrance, except as it relates to the testimony of Mr. Smith, whose evidence it was believed was unimportant, and, as he was resident in this vicinity, it could be dispensed with for the present without injury to either party. Permit us to assure you, that we have been positively instructed by his Excellency to give you every benefit of cross-examination, and that it was in obedience to those instructions, and in perfect accordance with our feelings, to withhold no opportunity from you which might enable you to prove your innocence to the world, if practicable. How justly, therefore, can we complain of gross injustice and illiberality manifested towards us in the whole of your communication. We have no hidden purposes to accomplish; no secret motives to influence us. To subserve the best interests of the State; to protect and shield virtue, intelligence, and disinterested patriotism, in our Chief Magistrate, from the wily assaults of selfish and interested individuals, from within and without; have been the objects of our most anxious solicitude and care. From the fact of your suspension, we could not perceive the importance you seem to attach to your being present at the Council. You must have heard or been informed of the public declaration made by General Gaines, that our attendance at the Council would be in the character of private individuals; it could, consequently, be of no avail to us in the accomplishment of the important objects of our mission. Objects of curiosity and novelty might have influenced us to attend. The intermediate time, between the commencement and termination of the Council, we believed, might be usefully employed in obtaining the testimony of persons in the direction of Alabama. We had just reasons to believe, from threats and undue influence exercised over them, they would not attend here. In coming to this conclusion, we were insensible to any act of oppression on our part towards you, incidental or intentional. We believed, and do still believe, that no important interest, right, or privilege, which you are entitled to, would be jeopardized by the absence for a few days of yourself and counsel; and we were the more confirmed in this opinion from the declaration of the Special Agent, that the collecting of testimony in your favor would by him be submitted to the Acting Agent for Indian Affairs.

From this view of the subject, we are free to declare that the charge of insincerity and oppression, reiterated again and again by you, fall unsupported and unsustained by a single reason or argument, other than inflammatory and idle declamation. The notice of our intentions was handed you this morning, in time we believe for you to have reached Lewis'; and we were instructed, if required, to say, that reasonable time would be given for your arrival. The remaining members of the Mission did not intend taking any measure for the procurement of testimony until the return of the absentees; and this course we would now greatly prefer, on account of mistake and misapprehension somewhere, and to enable you to proceed and have the benefit of cross-examination, if desirable.

Permit us to assure you, Sir, that respect for ourselves, and the authority under which we have the honor to act, will not permit us to



acknowledge the receipt of any further communication couched in the language, and dictated in the spirit, of illiberality and accusation.

You cannot be unapprized of the great delicacy of our situation, (under present circumstances,) of attending the examination of witnesses in your private apartments. We propose, whenever General Gaines disposes of the trust confided to him by the General Government, to proceed to the examination of a number of witnesses. Our object in this, is not to embarrass or interfere in any manner, the most remote, with his duties. We ask of you to pursue the like course, when all of our objects can be obtained without inconvenience to any person.

We are, respectfully,

Your obedient servants,

WARREN JOURDAN,

WILLIAM W. WILLIAMSON.

*Col. Crowell to Georgia Commissioners.*

PRINCETON, June 29, 1825.

GENTLEMEN: I shall, at half after five o'clock, proceed to take the testimony of John Winslett. You are invited to attend, at my room, to cross-examine him, if you wish to do so.

I am, &c.

JOHN CROWELL.

Messrs. JOURDAN and WILLIAMSON.

*Copy of interrogatories to be exhibited to W. W. Williamson, in behalf of John Crowell.*

1st. Were you in the employ of the Commissioners during the late negotiation at Broken Arrow and at the Indian Springs? and were you ordered to assemble any of the Indians? and at what place, and by whose order, and to meet at what place?

2d. What sum was paid to you for your services? or is it to be paid, and by whom? and did you or not offer to the United States' interpreter a certain sum of money, and what, to bring over certain Chiefs to the views of the Commissioners? If yea, state by whose authority or at whose request that offer was made, and the names of the Chiefs. State particularly all the conversation you ever had with Hambly, or any other person, to effect the treaty with the nation.

3d. Did you succeed in bringing over any of the Chiefs or other persons to the views of the Commissioners? and did you pay them any money or other thing? If yea, name them particularly.

4th. Were there no inducements held out other than the sums stipulated in the treaty, and the exchange of the lands, to influence the Chiefs to acquiesce in the treaty?

5th. Have you not heard McIntosh or other Chiefs express his or their apprehension of personal injury from the Creeks, for signing the treaty? and were not offers of protection before or after the treaty held out to him by others? By whom were those offers made, and from whom was this protection to come?

6th. Had you or not certain negroes in the nation? and at what place? which were intended to be disposed of to effect the treaty? were they ever offered to any Indian or other person for that particular object?

7th. By whose authority and direction were the offers made, and inducements held out by you to Hambly or others?

8th. Do you not know or have heard the Commissioners, or one, and which, of them, say that they would effect a treaty; that they had bought over McIntosh and others to effect that object?

9th. Do you know, or have you heard from any person, and whom, that the Commissioners, or one of them, held secret or private consultations, or had meetings with McIntosh, General Mitchell, or one or both of them, and at what place, to advance the views of the Commissioners?

10th. Did or did not General Mitchell and Colonel Campbell sleep together during the Indian Spring treaty, or sleep in the same room? and were they not in frequent private conversation upon the subject of inducing the Indians to consent to the treaty?

11th. Were not inducements held forth to McIntosh and others to effect the treaty? and by whom? if the Commissioners or either of them, state it. If you heard them say so, state the source of your information.

12th. Do you not know or believe that, at Broken Arrow, or near there, before the Indian Spring treaty, that the terms of the treaty were agreed upon with McIntosh and others, and before the Commissioners departed out of the nation?

13th. Do you not believe, or have you not expressed your conviction, that it was and is in the power of the Commissioners and yourself to induce the party of Indians at the Indian Springs, to make any statement you might wish, and they would stand to it, at the hazard of destruction, or to that effect?

14th. Do you not know or believe, and the reasons of such belief, that the late treaty in February last was the effect of inducements held out secretly or covertly by the Commissioners, or some one of them, and others in their employ, to Chiefs out of council, and what were those inducements?

15th. If you know, or have heard the Commissioners say, that the treaty was obtained by fraud or other improper means, state it particularly. Were not the principles of the treaty agreed upon at a private meeting before signing?

16th. Do you know or believe that bribes or other inducements were held out to any of the Indian countrymen to effect a treaty?

and have you or had you the confidence of the Commissioners? and what relationship do you bear to one of them?

17th. Who acted as your interpreter when you overtook the Indians that left the Springs in the night? and had you to make any Indian drunk, or did you say so, to gain the information reported?

18th. Have you not received a part of the public funds deposited with the Commissioners? and from whom, and when, and under what circumstances?

19th. You state in your examination before the committee that you were disposed to believe that Colonel Crowell was privy to the Indians leaving the ground, and that there are various causes, that will not bear detailing, that induced the belief. Be pleased to state the reasons why these causes will not bear detailing, or the causes themselves.

20th. Do you not know and believe, and the reasons for the belief, that the Commissioners, or one, and which of them, have sold or exchanged for a premium, the public funds, or a portion of them? and do you not know that negroes have been purchased with the funds also?

21st. Have you not expected the appointment, or have you not said so, to convey the Indians over the Mississippi? and did you expect to receive considerable profit from that service? and did you not offer Colonel Hambly, or other persons, half of these profits, or some portion thereof, if he or they would induce the Indians to make a treaty according to the views of the Commissioners?

22d. Did you never hear McIntosh say, or the Commissioners state, that he did say that he was offended with the Indians because they broke him as Speaker at Broken Arrow, and appointed another in his place, or words to that effect, and that he meant to sell the land?

23d. Did you never hear him say he was breaking a law in selling the land? Was he not opposed to it at the first meeting? and what changed his opinion? If you know, state at large.

24th. Do you not know or have heard, and from whom, that the draft of \$200,000 was deposited at the credit of a house in Augusta? if yea, state what house, and what premium was obtained for exchange, and your belief, and your reasons for your belief upon that subject.

25th. Did you not authorize one or more persons to procure the influence of persons in the nation to effect the treaty?

26th. Do you not know or heard, from whom, and when, that among the signers of the treaty there were broken Chiefs, under Chiefs, and no Chiefs at all?

27th. If you know any thing for or against the Agent, John Crowell, you will state it at large.

JOHN CROWELL.

*Col. Williamson to Maj. Rockwell.*

CREEK NATION, July 4, 1825.

*Maj. Rockwell.*

SIR: I have read the interrogatories propounded to me by you. They are irrelevant to the case, and so insolent and impertinent, that nothing but the respect which I owe to myself, and the commission under which I act, prevents me from giving that chastisement which their insolence deserves.

I am, yours, &c.

WILLIAM W. WILLIAMSON.

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*Col. Crowell to Col. Williamson.*

PRINCETON, 4th July, 1825.

SIR: Your letter of this date, to my counsel, Maj. Rockwell, declining to answer the interrogatories which were presented to you on Saturday last, upon the ground of their being "so insolent and impertinent" that nothing but the respect which you owe to yourself, and the commission under which you act, prevents you from giving that chastisement which their insolence deserves, has been received. In whatever light you may be disposed to view them, I consider the answers to them of much importance to my defence; and, if you will not answer them, having no legislature or committee to coerce you, you will please return them to me or Maj. Rockwell.

As regards your threats of chastisement, they are entitled to no consideration, and are entirely disregarded.

I am, respectfully, &c.

JOHN CROWELL.

Col. W. W. WILLIAMSON.

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*Maj. Rockwell to Georgia Commissioners.*

PRINCETON, INDIAN NATION,

July 4, 1825.

At the request of Col. Crowell, I have the honor, respectfully, to request that you will cause those witnesses, who were examined be-

fore the Committee on the state of the Republic against him *ex parte*, to be convened at some convenient place in Georgia, at an early day, for the purpose of enjoying the benefit of cross-examination. In making this request, my client does not mean to be understood as admitting the jurisdiction of the committee, or the propriety of their proceedings.

I have the honor to be, respectfully,  
Your obedient servant,

SAM. ROCKWELL,  
*Counsel of Col. John Crowell.*

To Messrs. JOURDAN, WILLIAMSON,  
TORRANCE, and JONES,  
*Commissioners on the part of the State of Georgia.*

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*Major Andrews to the Secretary of War.*

MILLEDGEVILLE, GEORGIA,  
August 1, 1825.

SIR : The correspondence which I have heretofore done myself the honor of forwarding, has advised you of my proceedings in the different stages of the duty confided to me.

I have now the honor to inform you, that I have gone through a careful examination of all the testimony received and collected, having a bearing, either direct or remote, on the conduct of the Indian Agent, Colonel Crowell, embracing as well the evidence offered in support of the charges preferred against the Agent by his Excellency the Governor of Georgia, as that received and collected during the examination. I have also, according to your instructions, heard the defence of the Agent, which will be submitted to you. The examination has resulted in a conviction, on my part, of the entire innocence of Colonel Crowell, on both of the charges preferred by the Governor of Georgia, or those preferred by Chilly McIntosh, and others, in their letters to the Department, of the 17th of May last; and, in fact, on every point involved in the investigation. I have, accordingly, the interests of the Government requiring it, (as suggested in the letter I had the honor to address to you from Flint river, on the 18th June last,) withdrawn the Agent's suspension. I have also given him a written *opinion*, bearing this date, (a copy of which I have the honor to enclose,) and referred him to you for the *decision* of yourself and the President, which is to confirm or reverse that opinion.

My report, in detail, is made out, but, being lengthy, I have not been able to take a copy of it. The evidence is not only bulky, but of an interesting (and some of it, indeed, important) character to the Government. I feel unwilling to trust it to the accidents of the mail; I shall, therefore, immediately repair to Washington, and lay it before you.

You will perceive that the *opinion* I have given to the Agent, is of a *decided character* ; but I feel confident, that the mass of evidence which I shall submit, will fully justify that opinion.

I have the honor, &c. &c. &c.

T. P. ANDREWS, *Special Agent*.

To the Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

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Enclosure in Major Andrews' letter to the Secretary of War.

*Major Andrews to Colonel Crowell.*

MILLEDGEVILLE, GEORGIA,

*August 1st, 1825.*

SIR : I acknowledge the receipt of your defence, accompanied by the testimony to rebut the charges preferred against you by his Excellency Governor Troup, as well as the testimony taken against you by a committee of the Legislature of Georgia, and that interspersed throughout the volume of documents furnished me by the Governor of Georgia.

After a diligent examination of all the testimony taken on both sides, during the investigation, and coming before me, I feel it incumbent on me to say, that I consider you, in reference to the charges made against you, not only an innocent, but a much injured man. This result is the more honorable to you, as you have only had it in your power to avail yourself of *voluntary* testimony.

I shall make this report to the Secretary of War, to whom you will look for the *decision* of the President, which will confirm or reverse this opinion. In the mean time, you will consider your suspension as withdrawn.

With respect, &c. &c. &c.

T. P. ANDREWS, *Special Agent*.

To Colonel JOHN CROWELL,  
*Indian Agent, &c. &c.*

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*Governor Troup to General Gaines.*

MILLEDGEVILLE, GEORGIA,

*6th August, 1825.*

SIR : A letter purporting to be yours, which appeared in the last Georgia Journal, and having every characteristic of an official one, could not fail to attract my attention. Immediately, therefore, on my return to this place, inquiry was made at the Department for the original, and I learned, with surprise, that none such had been received. The proper means were then resorted to, to ascertain the authen-

city of the published letter, and having been satisfied that the same was in your proper hand-writing, I have lost no time to direct you to forbear further intercourse with this Government. Having thought proper to make representations of your conduct to the President, I have ordered you to be furnished with a copy of every letter written on your subject, and which will reach you in due time. Any communication proceeding from the officer next in command, in this military department, will be received and attended to.

G. M. TROUP.

Major General E. P. GAINES, &c.

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*The Governor of Georgia to the President of the United States.*

EXECUTIVE DEPARTMENT, GA.

*Milledgeville, 7th August, 1825.*

SIR : The letter of the Secretary of War of the 18th of May, introducing to this Government Major General Gaines and Major Andrews, as agents of the United States, to inquire into the causes of the late Indian disturbances; to adjust the differences subsisting between the Indians; and to inquire into the conduct of the Agent for Indian Affairs, recommended them as officers distinguished for ability, prudence, and discretion. They were received and treated accordingly. With the conduct of one you have been already made acquainted; with that of the other, it remains for me to place you in possession.

In the several conferences held with General Gaines on his first arrival, I received repeated assurances from him of friendly dispositions, of upright intentions, of freedom from all kind of bias or prejudice which could mislead his judgment, or influence his decisions on any of the topics which, in the execution of his trust, might present themselves for discussion. Relying implicitly on the sincerity of these declarations, I began with regarding General Gaines as an honorable and disinterested arbiter between the United States, Georgia, and the Indians, and so continued to regard him, until a short time before his insulting letter of the 10th ultimo was received at this Department. It was impossible for this Government not to repel that insult with indignation. The Chief Magistrate, in his official message to the Legislature, had stated explicitly that McIntosh and his chiefs had given their consent to the survey, and, in support of this statement, the letters of McIntosh were exhibited with his name subscribed, in his own hand, of which General Gaines had full information. Nevertheless, the certificate of an Indian Chief, who had deserted from the McIntosh party, and of a white man, of whom General Gaines himself does not pretend to know any thing, is procured to discredit the statement of the Governor, and to exhibit him before the public as the dupe of the vilest and shallowest imposture, and in his

solicitude to accomplish this, he forgets that it is the consent given by McIntosh and his chiefs to the survey which, on the information of the Agent, you have taken for granted to be the sole cause of all the disturbances in the nation, and upon which you have recently issued the most offensive orders to this Government connected with that survey, and, in your last one, even denounced military vengeance against those who shall attempt to carry it into execution. When General Gaines is rebuked in the mildest language which the unprovoked insult would admit of, he presents himself again before the public, in a letter, indulging in the most intemperate abuse of all the constituted authorities of a sovereign State, and of the great body of its people, and which he causes to be published almost a week before it was received at this Department.

With regard to the first letter of General Gaines, to which I have called your attention, he does not seem to have been content with addressing a letter so exceptionable to the head of this Government; he assumes the authority to order its publication on the allegation of some pretended and undefined malicious falsehoods in circulation, and which he makes the foundation of an appeal to the public; an appeal more censurable than that for which the gallant and meritorious Porter is now answering before a court martial, assembled by your order, inasmuch as the latter only defends himself against inculpatory charges made by his own Government, whilst the former, who was bound by equal respect to this Government, does not pretend that any charges of any kind had been preferred by it against him. It is in this letter, too, that Gen. Gaines has fallen into the shocking extravagance of asserting what nobody can believe, that the McIntosh party, which made the treaty, constituted but a fiftieth part of the nation, and it was in the same letter he made known, officially, to this Government, that he had happily concluded a pacification of the Indians, when, at that moment, he was as remote from the pacification as he ever had been, of which fact I have, even within the passing hour, received the most incontestable evidence.

With regard to the second letter of the 28th ultimo, which now that I am writing, has, for the first time, been put into my hands, and, almost a week after its publication, I have to remark, that the history of diplomacy will not furnish a parallel so marked with indiscretion, intemperance, deliberate disrespect, and the outrage of all decency. General Gaines forgets as well what he owes to his own Government as to this—his duty to you required him to show respect to this Government, in all his intercourse with it. If, in that intercourse, he had found himself wronged or aggrieved by the authorities here, it was not allowed him to take the redress into his own hands; upon representations to you, you were competent to decide the nature and the extent of the injury he had received, and of the redress most suitable to it. He would not confide the exercise of this privilege to you, no doubt questioning your fitness or discretion for such matters, but chose to rely on his own dexterity and prowess. He writes, among other things, of the "malignant villany" which has



been extensively practised on the credulity of many of the good citizens of Georgia, and other States, in reference to the Indians and the treaty. A charge so vague cannot be easily understood, much less distinctly answered.

Presupposing it to be directed against the authorities of this State, and to be in all respects true, who made General Gaines the judge to pass this condemnatory sentence on the conduct of those authorities? It had been understood that you had reserved to yourself this power, and that General Gaines was here only as your Agent, to collect the evidences upon which that power was to be exercised.

He proceeds to make another reference to the certificate of the Indian Chief and the white man; reiterates the expression of an unlimited confidence in the veracity of Marshall; eulogizes him as among the most worthy of the "*little treaty making party*;" and comes again to the conclusion that the Chief Magistrate of Georgia and others are not to be credited against the certificate of such respectable personages. Within this hour, I have received the testimony of the Chiefs of the friendly party, voluntarily given, "that the statement of Jo Marshall to General Gaines is false;" and I enclose you the certificate of my Express, a man of the fairest character, and undoubted veracity, to satisfy you that Marshall has added falsehood to treachery. In this part of his letter, he takes occasion to manifest his resentment towards the friends of McIntosh. He calls them the "*little treaty making party*;" then, again, "*the vassal chiefs of McIntosh*," and questions their right to give permission to make the survey. What a dispassionate and impartial umpire is this General Gaines! One would have supposed that, consulting the magnanimity of a soldier, if he departed from the line of neutrality at all, he would be found at the head of the weaker, the innocent, and injured party; but the General, consulting the better part of valor, and counting the odds against him as fifty to one, throws himself into the ranks of the stronger party, and thus commends himself again to you, for the discretion which you had given him in advance.

The General is correct in one of his positions, and, being in the right himself, puts you in the wrong, and so conspicuously, that you stand on the insulated eminence an almost solitary advocate for making and breaking treaties at pleasure. General Gaines says "the treaty, no matter how procured, had become a law of the land," &c. &c. He had said to the Council of hostile Indians at Broken Arrow, that the treaty could not be annulled, and must be carried into effect, &c. &c. —this is good sense. The day before yesterday, I received your letter, in which you say General Gaines, having informed you that the treaty had been obtained by intrigue and treachery, it will be referred to Congress for reconsideration. General Gaines tells the Indians that no treaty has ever yet been annulled: you say this treaty shall be made an exception to all others, and upon the information received from General Gaines.

General Gaines proceeds to manifest his respect and complaisance for the Chief Magistrate of a sovereign State, by informing him that

he has been greatly deceived by persons in whose honor he placed reliance, but who were unworthy of his confidence," thus taking upon himself the responsibility to decide for the Chief Magistrate one of the most delicate of all questions connected with Government and Sovereignty, viz : the question, who are worthy of trust, and who, among the public servants, are, or are not, entitled to his confidence. In a little time, Sir, with your countenance and encouragement, General Gaines would have dictated the appointments to office in this State, and, may be, the least hesitancy or repugnance to comply with such dictation, would be subdued by a parade of the United States' troops.

After quoting a maxim that "the king can do no wrong," and expatiating on the moral excellence of truth, and her indiscriminate habitation at the palace and the cottage, the plough and the bureau of State, with the wanderers of the wilderness, and the honest but unfortunate debtors, of all which I cannot, for the life of me, understand the application, much less the farrago which follows about somebody regarding money a *little more*, and truth a *little less*; condition of despised poverty, and luxuries of plundered wealth, &c. &c. and which is equally unintelligible; General Gaines is scarcely more distinct and intelligible when, in passing a meagre compliment to a portion of the citizens of Georgia, he professes to "rely on the wisdom, justice, and patriotism, of at least nine-tenths of those with whom he has the pleasure of an acquaintance," many of whom are cultivators of the land; and then, again, that "the cultivators are the *adamantine pillars* of the Union, against which the angry vaporing paper squibs of the *little* and the great demagogues of all countries may continue to be hurled for hundreds of centuries "without endangering the noble edifice," &c. &c. all of which may be intended to convey some meaning, and admit of ready explanation by General Gaines, but which, I assure you, Sir, is altogether above my comprehension.

The General soon becomes a little more explicit when he says there is in Georgia a small class of men who, like the "Holy Alliance," profess to employ themselves in the laudable work of enlightening and governing all other classes of the community, but whose labors consist of vain and daring efforts to prove that the light of truth is to be found only with the party to which themselves respectively belong, and that all others go wrong. Party, Sir! An Agent representing the Government of the United States before the Government of Georgia, addressing to the Chief Magistrate of the State an official paper, in which, descanting on the state of parties, the writer places himself by the side of the one party, and fulminates a denunciation against the other! Pray, Sir, suffer me to ask if Maj. Gen. Gaines received special instructions at your hands as to deport himself; to pry into the state of parties; to find out the relative strength of them; to place himself on the side of the strongest, giving to it aid, countenance, and co-operation, and from this strong hold to issue insolent anathemas against the other, through the Governor of the State; thus directly intermeddling in our local politics, and availing himself of our un-

happy divisions to make the exasperations of party yet more bitter? General Gaines will not permit us to mistake him. He proceeds to call the particular party to which he is opposed the "one-sided enlightened class;" in another place, he calls them "the small class."

The opportunities of General Gaines to inform himself of the state of parties in Georgia have been, no doubt, much better than mine, which have indeed been very limited; but I have more generally heard, from men better informed, that the relative strength of parties was somewhat different from the General's estimate of it. He seems to have adopted the same rule of enumeration, under the same optical delusion, as in measuring the strength of the Indian parties, and to have arrived at the very gratifying conclusion that the numerical strength was in the proportion of fifty to one; undoubtedly a very incorrect conclusion.

This officer took umbrage at my request to permit the Commissioners on the part of the State to act in friendly concert with him, in making his investigation for the discovery of truth. Why he did so, I cannot conjecture. This, however, was passed by without notice, as was his subsequent refusal to admit them to a participation of the Councils, in matters involving interests of Georgia. His indiscretion in declaring, before the Council at Broken Arrow, that if the congregated world were to contradict the Chief "Yoholo," he would not believe it, has been already noticed, in the letter which I last had the honor to address to you. It is upon the authority of this chief, of Hambley, represented to be of the most infamous of men, and of the Agent of Indian Affairs, that you have come to the conclusion to return the treaty to Congress for revision, it having been procured by intrigue and treachery.

General Gaines is reported to me to have said, in the presence of one of the Commissioners on the part of the State, that, if twenty-three States out of the twenty-four were to pronounce the Agent guilty, he would not believe them.

General Gaines has been guilty of the childish indiscretion of threatening to cut off the heads, and ears, of the citizens of Georgia who happened to offend him, as if you had given him his sword for this special service. But indeed, Sir, it is high time to dismiss the subject of this officer.

In maintaining correspondence with the Government of the United States, I have not permitted any false considerations of dignity, or any false estimate of forms and ceremonies, which usually govern diplomatic intercourse between States, to interpose the least difficulty. So far from it, I have cheerfully descended to the level of every thing which it pleased you to employ, at any time, as your representative or organ, from the Clerks of your bureaux, up to your Major General by Brevet; and I have acted and treated with them as equals.

In the deportment of some of these, I have experienced arrogance, self-sufficiency, a haughty and contemptuous carriage, and a most insulting interference with our local politics; and these characteristics not exhibited to one, but to all of the constituted authorities of the State. Now, Sir, suffer me, in conclusion, to ask, if these things have been done in virtue of your instructions, express or implied, or

by authority of any warrant from you whatsoever? and if not so done, whether you will sanction and adopt them as your own, and thus hold yourself responsible to the Government of Georgia?

Be persuaded, Sir, that whenever hereafter you shall think proper, not deceiving yourselves or us, to send gentlemen to represent you before this Government, of the character given to those by the letter of the Secretary of War of the 18th of May, they will be received, and respected as officers of the General Government would be by the most friendly States of the Union.

With great consideration,

G. M. TROUP.

The PRESIDENT  
of the United States.

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*Colonel Campbell to the Secretary of War.*

WASHINGTON, 14th August, 1825.

SIR: I herewith transmit, through the Department, to the Second Auditor, further accounts of disbursements in connexion with the late treaty with the Creek Indians. The original fund placed at our control, to defray the expenses of negotiation, is chargeable with a further item or two, of small amount, in support of which we have not yet procured vouchers in proper form.

In obedience to the direction of the President, communicated in yours of the 18th May, the unexpended balance of the first instalment of two hundred thousand dollars has been held "subject to the order of General Gaines," and has been uniformly ready. Previous to the receipt of that direction, the Commissioners had advanced from the fund the sum of eight thousand six hundred and thirty-one dollars, as per account and vouchers now forwarded. The sum of one hundred and ninety-one thousand three hundred and sixty-nine dollars has been passed to the credit of General Gaines, as will be seen by his order; the correspondence and receipt of his Aid, copies of which are enclosed. This statement will be found to embrace the whole fund, except the sum of one thousand dollars, being the premium at which the draft was negotiated. This, together with the premium on a smaller draft, has already been reported to you. About the time of the receipt of your direction touching this fund, a draft of one thousand dollars was presented to the Commissioners, drawn by Chilly McIntosh, which they did not feel at liberty to accept, but now refer it to the Department whether they shall have leave to pay it.

As every thing connected with the treaty, both anterior and subsequent to its obtainment, seems to be undergoing revision, partly official, and partly by individuals of assumed authority, it was not, perhaps, to be expected by the Commissioners that their proceedings would pass unquestioned. The official proceedings, as far as they have been had at the instance of the Government, we presume have been

reported. Some of these have been disclosed, and have received a construction to our prejudice. That we may be enabled to vindicate ourselves before the Government, as whose agents we have accomplished important measures, and from the responsibility of which we do not seek to be exempt, permit us to ask that we may be furnished, as speedily as possible, with copies of all documents within the control of the Department, which bring into question our proceedings in the late negotiation as being inconsistent with justice and universal usage.

I have the honor to be, &c. &c.

DUNCAN G. CAMPBELL.

To the Hon. JAMES BARBOUR,  
*Secretary of War.*

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*Secretary of War to Governor Pickens.*

DEPARTMENT OF WAR,

*August 14, 1825.*

SIR: Yours of the 11th ult. has been received. In answer to which, permit me to refer you to the accompanying extract of a letter addressed to the Governor of Georgia, in answer to his, on the same subject as that of your Excellency's.

Should it be necessary for the Government of the United States to take any agency in running the proposed line, it will be necessary for Congress to make provision, by law, for the case; and as the President has decided, that it is improper to enter the territory of the Creeks, against their will, till the time agreed on by the treaty, an opportunity will be furnished Congress, of adopting such measures as, in their wisdom, they may think proper.

I have, &c.

JAMES BARBOUR.

To His Excellency J. PICKENS,  
*Governor of Alabama, Cahawba.*

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*Governor Troup to Secretary of War.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 15th August, 1825.*

SIR: I have received your letter of the 21st ultimo, giving the desired explanation of the former one, of the 15th day of May last, in which you wrote of undefined responsibilities which this Government must incur, if it attempted the survey of the lands acquired from the Creeks, and which results in the employment of the bayonet on your

part, and of the tomahawk and scalping knife on the part of the Indians, if the survey be attempted. I thank you for this explanation : for, whether your intent were good or evil, it equally became you to make it. You make known, at the same time, the resolution of the President to refer the treaty to Congress, on the allegation that intrigue and treachery have been employed to procure it. This at once puts a stop to the survey ; and you will inform the President, that, until the will of the Legislature of Georgia is expressed, no measures will be taken to execute the survey. The Executive of Georgia has no authority in the civil war with which the State is menaced, to strike the first blow, nor has it the inclination to provoke it. This is left for those who have both the inclination and authority, and who pretend to love the Union best. The Legislature will, on their first meeting, decide what, in this respect, the rights and interests of the State demand. In the mean time, the right to make the survey is asserted, and the reference of the treaty to Congress protested against, without any qualification.

It is true, Sir, that, according to my own opinions, if there be fraud and corruption in the procurement of the treaty, it ought to be set aside by the indignant expression of the nation's will. The taint of such corruption, according to that opinion, would suffice to render void an instrument of any kind, purporting to pass a right of any kind. But of what avail is this opinion against your own established maxims and precedents ? You will decry it as the visionary speculations of a wild enthusiast ; because you would refer me to all your Indian treaties. You would present to me, in full relief, the decision of your Supreme Court, in the case of Fletcher and Peck, where a feigned issue being made to settle the principle, the principle was settled, that the Legislature of Georgia having, by bribery and corruption, sold the inheritance of the People for a mess of potage, the grant passed a vested right, which could, by no possibility, be divested ; and, therefore, that the Congress had no alternative but to surrender the territory of Alabama and Mississippi, or compromise the claims. They chose the latter, and gave five millions of dollars to the claimants, of which we paid our full proportion. Whilst, therefore, I present my own opinion on the one hand, you had, on the other, my public and official protestation in strict accordance and unison with your and all your constituted authorities' decisions, and which place the treaty on such high ground, that, no matter by what execrable baseness it may have been elevated there, even the Congress of the United States cannot reach it.

It may be otherwise ; but I do sincerely believe, that no Indian treaty has ever been negotiated and concluded in better faith than the one which is the subject of this letter. If it be otherwise, having been concluded by your own officers, against your instructions, without any participation of the authorities of Georgia, I sincerely hope that those officers may, so far as you have power, be brought to trial and punishment ; but yet, according to your own doctrine, this does not impair the validity of the treaty.

The Legislature of Georgia, therefore, will, on its first meeting, be advised to resist any effort which may be made to wrest from the State the territory acquired by that treaty, and no matter by what authority that effort be made. The hostile Indians having resolved that they will never surrender it but with their lives, and you having passively acquiesced in this resolution, because of the appeal made to your magnanimity and generosity; and it being obvious, that our right, not asserted now, is lost to us forever; if the Legislature shall fail to vindicate that right, the responsibility will be theirs, not mine.

With great respect,

G. M. TROUP.

Hon. JAMES BARBOUR,  
*Secretary of War, Washington City.*

*General Gaines to the Secretary of War.*

HEAD QUARTERS. EASTERN DEPARTMENT,

*Monticello, Geo. August 18, 1825.*

SIR: I have the honor to report, that the sum of 191,369 dollars has been received by my Aid-de-Camp, Lieutenant Butler, from Col. Campbell, late U. S. Commissioner, and deposited in the Bank of Augusta, subject to my order, on demand, "payable in notes of the specie paying Banks of this State, or, if required, to the amount of 41,869 dollars in notes of the United States' Bank, or specie, and, the residue as first above mentioned:" the above sum having been represented by Colonel Campbell as the whole of the unexpended balance in his hands.

The enclosed copy of a letter from Colonel Campbell, numbered 1, with another from Lieutenant Butler, No. 2, explains why the whole sum of \$200,000 has not been paid, and why the amount received does not consist of bills of the United States' Bank.

I shall take an early occasion to transfer the above deposit to the Branch of the United States' Bank at Savannah, pursuant to your instruction.

Colonel Chambers, with five companies of the first, and Major Benoko, with four companies of the fourth regiments of infantry, have taken the positions assigned to them, viz, the former at Marshall's Ferry, Flint river, the latter at Princeton, Chattahoochee, with instructions corresponding with yours of the 21st of last month.

With perfect respect, &c. &c. &c. &c.

EDWARD P. GAINES,

*Major General by Brevet, Commanding.*

P. S. The enclosures No. 3 and 4, from Governor Pickens, and Acting Governor Walton, will convince you that all Governors in this quarter, do not think with Governor Troup in reference to the Creek Indians.

The Hon. JAMES BARBOUR,  
*Secretary of War, Washington.*

*Lieutenant Butler to the Secretary of War.*

AUGUSTA, GEORGIA, August 10, 1825.

SIR: As Major General Gaines is absent, and it may be important that the Department should be advised, as early as possible, of the result of my interview with the United States' Commissioners, I have the honor to enclose a copy of my communication to Colonel Campbell, a copy of his reply, and a copy of the receipt of the Bank of Augusta, for one hundred and ninety-one thousand, three hundred and sixty nine dollars, being the unexpended balance of \$ 200,000, remitted to the Commissioners for disbursement, under the 5th article of the treaty last concluded with Creek Indians.

You will perceive, Sir, that I have continued the deposit in the Bank of Augusta. I have presumed to do this, until further instructions are received from Major General Gaines, owing to the nature of the contract between Colonel Campbell and the Bank, in the negotiation of the draft on the United States' Branch Bank in New York.

It appears, by virtue of authority from the Department of War, Colonel Campbell negotiated the draft at  $\frac{1}{2}$  per cent. premium, with the express proviso, that \$ 151,000 would be received in bills of the specie paying Banks of Georgia, and, with an understanding, that it would be disbursed from the negotiating Bank.

Under these circumstances, I renewed the deposit, making it subject to the order of General Gaines, that it may be removed to Savannah without difficulty, the authorities of the Bank agreeing to waive all objections to its removal.

With great respect,

I have the honor to be,

Your obedient servant,

E. G. W. BUTLER,

*Aid-de-Camp.*

Hon. JAMES BARROUR,

*Secretary of War.*

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Enclosure in Lieut. Butler's letter to the Secretary of War.

*General Gaines' order to Lieut. Butler.*

Lieutenant E. G. W. Butler will repair forthwith to the residence of Major Meriwether, and Col. D. G. Campbell, and present to them, jointly or severally, my order for the two hundred thousand dollars, placed in their hands as Commissioners; which sum I have been authorized by the Department of War to receive.

Lieutenant Butler will receive the said two hundred thousand dollars, and deposit the same in the Branch Bank of the United States,



at Savannah, to the order of the Secretary of War, and report to me at Augusta, Georgia.

EDMUND P. GAINES,  
*Major General Com'g.*

HEAD QUARTERS, EASTERN DÉPARTMENT,  
July 16th, 1825.

I certify that this is a true copy from the original order.

E. G. W. BUTLER, *Aid de Camp.*

AUGUSTA, GA. 9th August, 1825.

SIR: Pursuant to the above order, I request that you will turn over to me the two hundred thousand dollars placed in your hands for disbursement under the 5th article of the treaty concluded at the Indian Springs, on the 12th February, 1825.

Very respectfully,

Your obedient servant,

E. G. W. BUTLER, *Aid de Camp.*

To Col. D. G. CAMPBELL,  
*United States' Commissioner.*

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Enclosure in Lieut. Butler's letter to the Secretary of War.

*Colonel Campbell to Lieutenant Butler.*

AUGUSTA, 8th [9th] August, 1825.

Sir: I have received your note of this date, accompanied by a certified copy of an order of General Gaines, to yourself, in relation to the fund intended as the first instalment under the treaty lately concluded with the Creek nation of Indians. The Commissioners had received from the Department of War, instructions, under date of the 18th May, to hold said fund, "if it had not been paid over to the Chiefs," subject to the order of General Gaines.

Previous to the receipt of this communication, however, the Commissioners had disbursed, of the fund, the sum of eight thousand six hundred and thirty-one dollars. These disbursements consist of moneys advanced to Chiefs who were on the eve of setting out to explore their contemplated residence beyond the Mississippi; to the deputation who visited Washington City after the massacre of McIntosh; to the family of McIntosh immediately after his death; to Chiefs who visited Milledgeville in May; and other small items, as per account shown you, and to be returned to the Treasury Department.

The balance of one hundred and ninety-one thousand, three hundred and sixty-nine dollars, is ready to be passed, under the order of General Gaines, to the credit of the War Department.

In making this transfer, it is due to myself and the Bank of Augusta, that the understanding which has been entered into between us,

should not only be stated, but also preserved. The fund, as remitted, was in a Treasury draft upon the United States' Branch Bank at New York. This was negotiated at the Bank of Augusta, under the agreement that fifty thousand dollars of the proceeds were to be paid in specie, or bills of the Bank of the United States, as I might elect, and the balance in bills of the specie paying Banks of this State. Keeping the principles of this understanding in view, the Commissioners now conform to the direction of the Secretary of War, and the order of General Gaines. The Commissioners are not tenacious of any supposed honor or profit which might arise to them in the disbursement of this fund; but, in their acquiescence in the proposed arrangement, they would not be considered as waiving any of the rights or obligations created by the treaty.

I have the honor to be, Sir,

Your obedient servant,

DUNCAN G. CAMPBELL.

To Major E. G. W. BUTLER, *Augusta.*

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

Enclosure in Lieut. Butler's letter to the Secretary of War.

*Receipt of Bank of Augusta for money deposited by Gen. Gaines.*

BANK OF AUGUSTA, 9th August, 1825.

\$ 191,369.

This Bank has this day received, on deposit, from Major General E. P. Gaines, the sum of one hundred and ninety-one thousand three hundred and sixty-nine dollars, subject to his order, on demand, and payable in notes of the specie paying Banks of this State, or, if required, to the amount of forty-one thousand three hundred and sixty-nine dollars in notes of the United States' Bank, or specie, and the residue as first above mentioned.

AUGUSTUS MOORE, *Cashier.*

A true copy of the original receipt now in my possession.

E. G. W. BUTLER,

*Aid-de-Camp.*

EXECUTIVE DEPARTMENT, GEO.

*Milledgeville, August 29, 1825.*

SIR: By direction of his Excellency, Governor Troup, I enclose you herewith a further report of the Georgia Commissioners, with

Documents numbered from one to nine inclusive, containing testimony connected with the Indian Affairs, and have the honor to be,

With great respect,

Your obedient servant,

ELISHA WOOD, Sec'y.

HON. JAMES BARBOUR,  
*Secretary of War.*

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*Report of Commissioners to the Governor of Georgia.*

*To his Excellency the Governor of Georgia :*

Herewith we transmit to your Excellency documents numbered from one to nine inclusive, containing further testimony connected with the Indian affairs. From the testimony now adduced, you will discover, among other facts, that the Rev. Isaac Smith, one of the missionaries in the Creek nation, located near Broken Arrow, has stated that he was present at that place when a council was held to deliver a talk to Colonel H. G. Lamar, at which time and place the Little Prince, who then acted as Speaker, requested Colonel Lamar to tell the Indians then in Georgia, to return to their homes, that they should not be injured.

In the course of the collecting of testimony by the Agent, Colonel Crowell, we were present when Mr. Hambly, the national Interpreter, (a witness for the Agent,) stated, on oath, that the fifth article of the treaty was not read to the chiefs in council. We were much surprised to hear evidence of that character, because it involved directly and most essentially the purity of character of the Commissioners of the General Government. In the testimony we have received, you will find in documents No. 1, 2, and 8, that, so far from that being true, that the matter contained in the fifth article was cause of particular observation by persons present at the reading and interpretation of the treaty, and grew out of the apparent effect that it had upon the Agent, Colonel Crowell, who was present. Gentlemen of great worth, pure morals, and unblemished integrity, testify that they were present when the whole of the treaty was read, and one of them, that he has a most distinct recollection of the reading of the 5th article, from the circumstance of noticing, at the time, a very considerable change in the countenance of the Agent, Colonel Crowell, which circumstance was observed by others present, and was the subject of after conversation. This you will find is corroborated by other testimony. That article, it appears, was inserted reluctantly by the Commissioners, and entirely at the instance of the chiefs.

It must be obvious why such testimony was taken by the Agent, but the object has been overreached—he proved too much. This Mr. Hambly is a sworn officer of the Government of the United States. He, as well as the United States' Agent, have given sanction to a treaty by their official attestation, which treaty they now come forward

and attempt to prove was obtained by foul and fraudulent means. In fact, Sir, the omission referred to in the Agent's testimony, is criminal in its character, and that, too, charged directly against the Commissioners of the United States—two gentlemen of high standing and approved integrity, who could have had no other interest than the country's good to promote so desirable an end as the one they have, after much labor and difficulty, attained.

There is a rule of moral law which forbids an individual to destroy, by secret and covert means, the effect of doctrine which he has promulgated. A principle similar is applied in civil and municipal law. He who gives currency and authenticity to a written instrument by his solemn attestation, is not allowed to invalidate that instrument. The attempt to do so loads him with reproach and odium. His testimony, if received at all, is received with many grains of allowance, the more especially when he alleges in support of its annulment, that a fraud, yea, a stupendous fraud, has been imposed. Can it be believed that this Mr. Hambly and the Agent would have given official sanction to a treaty which bore on its face nothing unfair, when they knew that every means, other than fair means, were pursued to obtain it? No: the weak and the credulous cannot give faith to such averments. It would attach a foul stigma upon *their* official character to say so. What did they do? What effect had their attestation? Did they not, to all intents and purposes, say to the Government of the United States, "there we present you a treaty duly and properly obtained?" The same evidence furnishes the proof, that, after the treaty had been fully read through, signed, and sealed, that the Agent and Interpreter were called on to attest the same, which they severally done without any objection whatever. We understand that it is alleged by the Agent, as one ground of objection to the treaty, that the 5th article was not read in council, and also, as another ground of objection, that the chiefs who made the treaty were not competent to do so. Either branch of the argument is an unfortunate one for him whereon to build an opposition. In the first case, it is presuming too far to say that the Agent would witness a treaty in his official character without knowing its contents; and, in the second case, it is imputing to him an absolute abandonment of his trust, to suppose that he would stand by, a careless spectator, and witness the mere forms of a treaty, when he knew that one of the parties to that treaty could not legitimately enter into any of its stipulations without making known the same; which it appears he did not. The deduction from either position is most obvious, though not one [word omitted] to announce.

Upon the subject of the consent given by the friendly chiefs and council to make the survey, the rudest sceptic can no longer have cause for a shadow of doubt. Contained in documents No. 4, 5, 6, 7, and 9, you have testimony in relation to that particular. Your Excellency will discover that, of the existence of such a council, and its consent so given, General Gaines received information before the last of the past month. At the same time he was informed that Marshall had given *his* consent; also, he was then informed of the true

character of Mr. Edwards. The fact of the consent so given by the chiefs to make the survey, having been announced to General Gaines nearly a month ago, and before his letter addressed to you of the 28th ultimo, and his failure to correct the erroneous representation of that matter, founded upon the false certificate of Marshall and Edwards, surely furnishes cause for remark.

From the information we have received, it is evident that there were present at that council, a number of citizens of Georgia, General Ware, of Fayette county, among the number; several of whom we have seen, and who have testified the fact. That there was such a council; that the consent to make the survey was given; also, that Marshall freely gave his, and that General Gaines had been long since informed of the same, there is evidence abundant.

Respectfully, &c. &c.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,  
Commissioners, &c.

MILLEDGEVILLE, August 23, 1825.

Enclosure No. 1.

*Interrogatories to be exhibited to Duncan G. Campbell and William F. Hay, Esqs. in the case of the Indian Agent, Col. John Crowell.*

1. To Duncan G. Campbell: Were you one of the United States' Commissioners who held the late treaty at the Indian Springs, with the Creek Indians? And, to Wm. F. Hay, were you the Secretary to such Commissioners?

2. Was, or not, the treaty read to the Chiefs, who signed the same before they were called in to sign it? if so, state by whom, who interpreted it, and who were present?

3. Were the Commissioners particular or not, in having the whole treaty read to the Chiefs, and was it not distinctly interpreted to them (the Chiefs) by the interpreter? Who was the Interpreter? Did the Commissioners omit to read any article of that treaty to the Chiefs? Are you certain that the 5th article of that treaty was plainly and distinctly read, and was it understood? Was the Agent present when that treaty was made, and did he, or not, particularly note the terms of the 5th article? Did not the Interpreter explain it to the Chiefs? Were not the head Chiefs, at that treaty, capable of reading and writing, and capable of understanding ordinary manuscript?

Did the Agent or Interpreter make any objection to witnessing that treaty, when asked to do so?

Relate all that each of you know, concerning the execution of that treaty, touching the reading thereof, and the interpretation of the same, and by whom, and what was said and done by the Agent, at, or about that period, connected with it.

WILLIAM H. TORRANCE,  
WARREN JOURDAN,  
Com'rs of the State of Georgia.

July, 1825.

**GEORGIA, Wilks County.**

The annexed interrogatories being exhibited to us, by Commissioners on the part of the State, we have, this day, appeared before the officer attesting these our answers, and being sworn, answered as follows :

1. D. G. Campbell saith, that, at the late treaty, concluded with the Creek Indians, he was one of the Commissioners on the part of the United States.

2. A Council was convened on Saturday morning, 12th February last, for the purpose of submitting a treaty, which had been previously prepared. The Council was composed of all Chiefs and warriors who were upon the ground, as far as I know or believed. I did not discover that any were absent, who had attended the previous meetings, except those who had absented themselves the night before, in the night. There were also present, the two Commissioners, William F. Hay, Secretary, Doctor William Meriwether, Colonel Crowell, the Agent, William Hambly, the Interpreter, Thomas Triplett, and several white men, residents of the nation. The reading of the treaty was preceded by some remarks, from one of the Commissioners, in reference to the movements of the over night. The Council were told that a step of that sort, let it be produced by what cause it might, was not to defeat the objects of the Government. That all Chiefs of the nation had been notified and invited to attend. That we had been in Council for several days, and that it had been ascertained who were, and who were not, in favor of a treaty. That we considered the nation as still fully represented, and should proceed accordingly. These remarks were made by myself, and were, in substance, as I have stated.

The treaty was then produced, and the Council informed that it would be read and interpreted to them distinctly, and that as many as chose to sign it, might do so, and those who thought proper to decline, could do so. The reading commenced and progressed, article by article, sometimes dividing an article, when it was too long for easy interpretation. Hambly acted as Interpreter ; he sat close by me, and was requested to speak loud enough for all to hear. At the close of each article, assent was expressed by the Council by a sort of exclamation, after the manner of Indians. No *article* of the treaty was omitted in the reading. I do not believe that a single word was omitted. There was nothing in it which we wished to suppress or conceal. When the reading and interpretation were over, a pause ensued. No man, white or red, objected to the number or grade of those who composed the Council. No opposition was intimated from any quarter. The Commissioners signed, and were immediately followed by the Chiefs. After one or two of these had signed, Poyth-la-Yoholo, of the Tuckaubatchie Delegation, made the observations ascribed to him in the Commissioners' Journal, as I understood from Major Meriwether, who received the interpretation more distinctly than I did. The remarks of this chief were received most heartily by the other Chiefs, as was evinced

by their loud exclamation of assent. Himself and his followers, about six or seven in all, then shook hands with the Commissioners and some of the Chiefs, and retired.

I recollect no other occurrence which took place during the execution of the instrument, except when one of its signers was about to make his mark, the Agent asked McIntosh if that was a Chief? The answer was, "his Chief." Our Journal states, that the treaty "was signed by all the Chiefs present, except the delegation from Tuckaubatchie, and one Chief from Talledega." It may be so, that all Chiefs present had signed, but it is further the fact, that many other Chiefs or warriors were present, and proposed signing, but this was declined, as it was getting late, and the signers, already affixed, were deemed sufficient.

The document was then handed to Col. Crowell, who had been present the whole time, and he attested it, officially, without hesitation or remark, as I recollect. Our Secretary, Doct. Meriwether, and the Interpreter then attested the instrument also, and the Council were requested to convene again on Monday morning. Before we left the Springs, I think on Sunday, the 13th, the Agent requested a copy of the treaty, and we directed it furnished.

D. G. CAMPBELL.

Having been required to answer the interrogatories hereto annexed, to the first, I say that I was present, and acted as Secretary to the Commissioners in the late negotiation with the Creek Indians.

In answer to the remainder of the interrogatories, I say that I have carefully examined and perused the foregoing statements and answers of D. G. Campbell, and, as far forth as they represent who were present at the execution of the treaty; the manner of reading and interpreting the same; the ceremony of signing and witnessing; and the occurrences of the meeting, generally, when the treaty was signed; are in correspondence with my own recollection, and I adopt the same as my answers to the interrogatories exhibited to us.

I state further, that a copy of the treaty was furnished to the Agent, copied in his own room, on the 13th February, the day after the treaty was signed.

WM. F. HAY.

GEORGIA, }  
Wilkes County. }

Sworn to, and subscribed, before me, this 24th July, 1825.

ARCHIBALD S. WINGFIELD, J. P.

Enclosure No. 2.

*Testimony of Wm. Meriwether.*GEORGIA, *Clarke County:*

Personally came before me, William Manly, one of the Judges of the Inferior Court for said county, William Meriwether, who, being duly sworn, saith, That he attended the negotiation held with the Creek Indians at Broken Arrow, in December, and at the Indian Springs, in February last; that he occupied the same apartments with, and enjoyed the full confidence of, the Commissioners; and this deponent knows that the leading features of the treaty, as entered into at the Indian Springs in February, were well understood by all the Indians who took any interest in the subject, inasmuch as the same propositions, in substance, were made to them, and fully explained, at Broken Arrow, in December preceding. This deponent attended the treaty at the Cherokee Agency, in 1817, and also at the Indian Springs, in 1821, at which last he acted as Secretary; and the proceedings at each were, in substance, as follows: After the principal articles which were to be inserted in the treaty were agreed upon in private conversations with the principal chiefs, various rough drafts of the treaty were made, some of the chiefs attending, from time to time, and suggesting such alterations as they wished. After it was completed, and ready for signature, the whole of the Indians were convened, the treaty read over and interpreted to them, paragraph by paragraph, and the ceremony of signing and sealing gone through. This course was pursued at the late treaty with the Creeks at the Indian Springs, and every article had been fully explained, and was well understood by most of the principal chiefs who signed the treaty, prior to their convention for executing the instrument. After the treaty was drawn up, and the Indians convened, each and every article thereof was distinctly read, paragraph at a time, and interpreted to the Indians by Mr. Hambley, the United States' Interpreter. There were present at the time, besides the United States' Commissioners and the Interpreter, Captain Hay, the Secretary, Colonel Crowell, the Agent, Captain Triplett, the present Sub-Agent, and this deponent, besides several white men, residents of the nation. This deponent has a most distinct recollection of the reading of the 5th article, or that which relates to the disbursement of the \$200,000 to be paid immediately after the ratification of the treaty, from the circumstance of noting, at the time the article was read, a very considerable change took place in the countenance of Colonel Crowell, the Agent, which circumstance was observed by others present, and was the subject of after conversation. This article of the treaty was reluctantly inserted by the Commissioners, entirely at the instance of the chiefs. After the whole treaty had been gone through and explained, it was signed and sealed by the parties. There was no objection whatever made by Colonel Crowell, or the Interpreter, when called upon to witness the treaty; nor did this deponent ever hear from Colonel Crowell the slightest suggestion that



the chiefs present were not competent to make a treaty, nor does he believe any such suggestion was made.

**WILLIAM MERIWETHER.**

Sworn to, and subscribed, before me, this 29th July, 1825.

**WILLIAM MANLY, J. I. C.**

Enclosure No. 3.

*Testimony of the Rev. Samuel K. Hodges.*

*Interrogatories to be exhibited to the Rev. Samuel K. Hodges, in the case of the Indian Agent, Colonel Crowell.*

1. Are you acquainted with the Rev. Isaac Smith, now resident at the Methodist Mission, in the Creek nation of Indians?

2. Have you ever heard him say any thing about the *Talk* delivered by the chiefs in Council, at Broken Arrow, in that nation, to Col. H. G. Lamar, as connected with the late disturbances in that nation? If yea, please state fully and particularly what he said about that matter.

3. Did Mr. Smith inform you that he was present at that Council? If yea, did he inform you what the Little Prince said to Col. Lamar at that time, and what he (the Little Prince) wished Colonel Lamar to inform the friendly chiefs in Georgia? If so, what was it?

Please relate all that you may know about that matter, as fully as if particularly interrogated thereto.

**WILLIAM H. TORRANCE,**

**WARREN JOURDAN,**

*Commissioners of the State of Georgia.*

July, 1825.

*Cross Interrogatories to be exhibited to the Rev. Sam<sup>l</sup> K. Hodges.*

1. Please to state whether you are acquainted with the character of the Reverend Isaac Smith? If yea, please state whether, from your knowledge of that gentleman, you would, or would not, believe any statement which he should make to be true, without, or with, the sanction of an oath?

2. Please state whether Mr. Smith belongs to the same church with yourself; and does not Mr. Smith possess a character, for purity and integrity, which forbids any idea of his making, under any circumstances, an erroneous statement?

3. Please answer these cross interrogatories, fully and at large, at the same time that you answer the annexed direct ones.

**SAMUEL ROCKWELL,**

*Counsel for John Crowell, Creek Agent.*

*Georgia, Putnam County.*

This day personally appeared before me, the Rev. Samuel K. Hodges, who, after being sworn true answers to make to certain direct and

cross interrogatories hereto annexed, in the case of the Indian Agent, Colonel Crowell, answereth and saith as follows, viz :

To the first direct interrogatory. I am.

To the second. I have. When at the Mission, in May last, in conversing on the subject of the late disturbances in the nation, the impression they had on the school, and various other matters connected with the objects of that establishment, he (the Rev. I. Smith) observed, that he was present at the Council at Broken Arrow when Col. H. G. Lamar had a talk with the Council, and that the Little Prince, as Speaker, requested Colonel Lamar to tell the Indians in Georgia to come home and go to work—they should not be hurt.

To the third. This is fully answered in the last above, so far as my recollection serves me. I know nothing further in reference to the matter.

*Answers to the Cross Interrogatories.*

To the first. I am : his word has ever been viewed by me as being entitled to my utmost confidence, when speaking of matters that came under his own observation.

To the second. He does, and has long sustained a high character for both purity and integrity. I am far from believing him capable of making a statement, either on oath or otherwise, which he knows to be false.

Erroneous statements are, however, often made from forgetfulness or a misguided judgment. That it was an error, after professing a willingness to answer any question proposed to him, to give to a direct question, embracing matter with which he was so lately familiar, an indirect answer, not touching that matter, must be obvious to all.

This unhappy course has placed me under the painful necessity of answering the direct interrogatories accompanying the cross inquiries.

**SAMUEL K. HODGES.**

Answered, subscribed, and sworn to, this 28th July, 1825, before me.

**ELI S. SHORTER,**

*Judge Superior Court, Flint District.*

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Enclosure No. 4.

*Testimony of Lewis Wynne.*

*Interrogatories to be exhibited to Lewis Wynne.*

Are you acquainted with Joseph Marshall, (an Indian chief?) if so, have you ever heard him say any thing about having given his consent to the survey of the land lately ceded by the Creek Indians to the United States? State what you have heard him say upon that subject, and when, and where?

**WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,**

*Georgia Commissioners.*

GEORGIA, *Monroe County.*

*The answers of Lewis Wynne to the foregoing interrogatories.*

He says that he is acquainted with Joseph Marshall, a Creek chief. He says that he has heard said Marshall say that he had given his consent to make the survey. Witness says that said Marshall informed him that he thought it best that the survey should be made this year: for, if done, the Indians might be enabled to sell their possessions for the time the treaty allowed them to remain on the land.

This conversation was in April last, a few days after the council had met at General McIntosh's, for the purpose of determining whether the consent should be given to make the survey or not. The witness states that, of his own knowledge, he cannot say that there was to be a council; he was so informed by Marshall.

Witness says that Marshall informed him that he had authorized General McIntosh to use his name, touching the consent for the survey, as he might think best; that he, Marshall, and McIntosh, both thought that it was best to permit the survey to be made.

LEWIS WYNNE.

Examined, sworn to, and subscribed, before us, this 16th day of August, 1825.

WILLIAM H. TORRANCE,  
WILLIAM W. WILLIAMSON,  
*Georgia Commissioners.*

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Enclosure No. 5.

*Interrogatories to be exhibited to Bolin Smith, Hugh W. Ector, and George Stinson.*

1. Were you, or either of you, at any Indian council in April last, or at or near the residence of General McIntosh? If so, state if you knew whether that council gave its consent to the Governor of Georgia to survey the territory lately ceded, lying within the limits of Georgia? Who were present at that council citizens of Georgia?

2. Have you, or either of you, ever heard Joseph Marshall, (the Indian chief of that name,) say any thing upon the subject of that council, and about his consent to make the survey? If so, when and where, and what said he? State it fully.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,  
*Commissioners of Georgia.*

*Testimony of Bolin Smith.***GEORGIA, Monroe County.***The separate answers of Boling Smith to the foregoing interrogatories.*

To the first interrogatory, he says : That, about the 9th or 10th of April last, he was at the residence of General William McIntosh, and there was, at that time, a meeting of a considerable number of Indians; they assembled in council, and I learned from the General, (McIntosh,) and others, that they had agreed for the Governor to have the land surveyed as soon as he pleased.

At that council there were present, from Georgia, Major Bailey, of Monroe county, General Ware, of Fayette county, William Bowen, of Milledgeville, Sanders Walker, of Monticello, Mark and William Hudspeth, of De Kalb, Major Vaughn, and some others from Fayette and De Kalb counties, their names not recollected.

To the second interrogatory, the witness says : That, on or about the 6th of April last, he saw Joseph Marshall at John H. Rooker's, on Flint river, when he said he was just from General McIntosh's ; said Marshall then informed witness, that there was to be a council held at McIntosh's to determine whether or not the consent of the Indians should be given to the Governor of Georgia to survey the land lately ceded, lying within the limits of Georgia.

Marshall then informed witness that he could not go back to the council ; that he had authorized General McIntosh to sign for him ; that he was willing to have the land surveyed.

Witness does not recollect of any other person being present at this conversation.

**BOLIN SMITH.**

Examined, subscribed, and sworn, to before us, this 16th day of August, 1825.

**WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,**  
*Georgia Commissioners.*

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Enclosure No. 6.

*Testimony of Hugh W. Ector.***GEORGIA, Monroe County.***The answers of Hugh W. Ector to the foregoing interrogatories.*

To the first interrogatory, the witness says that he was not at the council.

To the second interrogatory he says, that he was at Marshall's stand, (in the nation,) and in conversation with him, when a runner arrived, and informed him (Marshall) of the murder of McIntosh, and that

he must make his escape. During that conversation, the witness states, that he inquired of Marshall if he was not at the council held at General McIntosh's concerning the survey; Marshall informed witness that he was there a short time previous; that General McIntosh then insisted on his remaining until the council assembled, but that he, Marshall, stated that he did not wish to be absent from home so long; and farther stated, that he had authorized General McIntosh to sign for and act in the case fully for him, as he had no objection on his part to the survey being made; and that he had not only authorized McIntosh to act in that case for him, but to sign his name for him in all cases when his attendance was necessary, (having reference to his duty as a chief,) without calling upon him to attend in person, or words to that effect.

In the course of the conversation held between witness and said Marshall, Marshall expressed an entire willingness to the survey, and assigned as a reason, that it would be of interest to the Indians on the territory; that they would have an opportunity of selling some of their produce, that they otherwise might not dispose of so advantageously.

HUGH W. ECTOR.

Examined, sworn to, and subscribed, before us, this 16th day of August, 1825.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,  
*Georgia Commissioners.*

Enclosure No. 7.

*Testimony of George Stinson.*

GEORGIA, Monroe County.

*The answers of George Stinson to the foregoing interrogatories.*

To the first interrogatory the witness saith, that he was at General McIntosh's in April last, when a council was held by the friendly chiefs to take into consideration the application of Governor Troup to survey the land lying within the boundaries of the State, lately ceded to the United States by the Creek Indians, for the benefit of Georgia. The witness says that the council did then and there give its consent to the Governor to make the survey. Witness says that General Ware, of Fayette county, Major Bailey, of Monroe county, Sanders Walker, of Monticello, William Bowen, of Milledgeville, Bolin Smith, of Monroe county, a Mr. Vaughn, and some others, their names not recollected, were at that council.

To the second interrogatory the witness says, that, on or about the first week in April, he was at the house of General McIntosh, in the Creek nation, when he saw the Joseph Marshall referred to; the witness had, before that time, understood that the chiefs were to go into council upon the subject of the Governor's application to make the

survey, and asked Marshall if he did not intend to attend the council; Marshall stated to witness that he wished to go home, and that it was unnecessary for him to be there, as he had authorized General McIntosh to sign his name for him, (Marshall,) giving his consent to the survey.

GEORGE STINSON.

Examined, sworn to, and subscribed, before us, this 16th day of August, 1825.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,

*Georgia Commissioners.*

Enclosure No. 8.

*Testimony of George Stinson.*

*Interrogatories to be exhibited to George Stinson, in the case of the Indian Agent, Colonel Crowell.*

1st. Were you at the Indian Springs in February last, when a treaty was concluded between the United States' and Creek Indians? If so, were you present when the treaty was read to the chiefs? Was that treaty distinctly and slowly read over to them? Was it interpreted to them, and by whom? Do you understand the Indian tongue? If so, did you attend to the interpretation? Was the 5th article of that treaty read, and interpreted by the interpreter to the chiefs? Was the Agent present during that time? Did the Agent particularly notice that treaty, and particularly the terms of the 5th Article? Did he not say something concerning that article, when it was read to the Indians? and was it or not because it deprived him of the distribution of the money arising from the cession of land? Relate all you know about this matter, and the Agent's opposition to the treaty; also, what you know or believe about his knowledge of the murder of McIntosh; whether he knew any thing about it before the occurrence; and your reasons for that belief.

WILLIAM H. TORRANCE,  
WARREN JOURDAN,

*Commissioners of the State of Georgia.*

July, 1825.

GEORGIA, MONROE COUNTY.

*The answers of George Stinson to the foregoing interrogatories.*

To the first interrogatory he says, that he was present at the treaty from the commencement to the conclusion. He says, that he was present when the treaty was read to the chiefs. He says that the treaty was distinctly read to them: it was read twice. It was inter-

proved by William Hambly. He says that he understands the Indian tongue imperfectly, cannot say how the same was interpreted. He says that he is certain that every article of the treaty was distinctly and audibly read; and one of the United States' Commissioners told the interpreter to interpret so all that were present could hear him. The interpreter spoke sufficiently loud to be heard over the room, where they were convened. He says that the Indian Agent, Colonel Crowell, was present during that time. He does not recollect that the Agent said any thing about the 5th Article. He heard him say to the Chiefs, that some bad white man had said that he was opposed to the sale of their land, but that he had never told them to sell or not to sell; that if they thought proper to cede their lands, that he would go with them to their new country. He says that the Agent said nothing about the disposition of the money. The witness says, that when the 5th article was read, he was standing in company with Mr. Samuel Seals, who observed to witness, and attracted his attention by a touch of his elbow, to look at him, (alluding to the Agent,) that it would kill him, or that he looked it would kill him, or words to that effect.

As to the last interrogatory, the witness says that his information upon the subject therein embraced, is derived from the Indians, principally, and therefore, he considers that it is unnecessary to state it.

GEORGE STINSON.

Examined, sworn to, and subscribed before us, this 15th day of August, 1825.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,  
*Georgia Commissioners.*

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Enclosure No. 9.

*Testimony of Joel Baley.*

*Interrogatories to be exhibited to Joel Baley, concerning the Indian Affairs.*

1st. Were you at the Indian Council in April last, at or near the residence of Gen. McIntosh, in the Creek Nation? If so, was it held concerning the contemplated survey of the lately ceded territory by the Creeks? Do you know whether or not that Council gave its consent to the survey? Who of the citizens of Georgia were there?

2d. Have you ever heard Joseph Marshall (the Indian Chief of that name) say any thing upon that subject? If so, when and where? who was present, and what did he say?

3d. Have you, at any time, held any conversation with General Gaines upon the subject of that survey; of Marshall and Edwards' certificate about that matter? If so, state the time, and what was said. Did you or not, at the same time, or before the conversation commenced, hand to General Gaines a newspaper containing a letter

from Governor Troup to the General, bearing date the 10th of July last? Be particular, and state that conversation at full.

4th. Did you inform him any thing about the character of Mr. Edwards, before alluded to? And, if so, what was it?

5th. Have you not been examined by Maj. T. P. Andrews, touching the treaty lately made at this place, (Indian Springs,) and the Council at Broken Arrow, in December last; also, concerning the reputed law under which the hostile Indians allege they executed Gen. McIntosh? If so, did you or not, inform him that, as to any particular affecting the negotiations of the late treaty at this place, you know nothing?

Did you, or not, inform him, and so state in your testimony that you gave him, that McIntosh had declined to come out upon the subject of a treaty at Broken Arrow, and gave as a reason that he found that some of the Indians would put him to death, in consequence of a law, if he did so? If you made such a statement, did you not immediately thereafter, and connected with the statement so made, proceed to explain what McIntosh meant, and said that he meant, about such a law; and that it was in reference to the Tookaubatchee and Pole Cat Spring proceedings only, which he did not recognise as a law of force in the Nation, or as ever having been passed by authority of the Nation? And did Major Andrews receive the qualification given by McIntosh about that law? Relate how, and in what manner, you explained that statement to Major Andrews.

6th. Did or not General Gaines occasionally interrogate you while under examination?

7th. Did either General Gaines or Major Andrews say any thing to you about their surprise at your not testifying as they expected? Did they say how the Indian countrymen had testified; and that they seemed to refer to you? Was or not General Gaines and Major Andrews apparently satisfied and pleased with the statements you made to them? Relate particularly every matter and thing connected with that examination. After your statements had been reduced to writing, did any person or persons call on you, and say to you any thing about your evidence? If so, who was it, what said he, and what was your reply?

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,  
*Georgia Commissioners.*

#### GEORGIA MONROE COUNTY.

##### *The answer of Joel Baley, to the foregoing Interrogatories.*

To the first interrogatory he answers, that he was at council at the time and place stated. The council was held for the purpose, as witness believes, to ascertain if the chiefs would give their consent to permit the Governor of Georgia to survey the Territory lately ceded by



them, within the limits of Georgia. The Council was in session when the witness left them, previous to which he had been informed by Gen. McIntosh, and others of the head chiefs, that they were willing the survey should be made immediately, or very soon thereafter.

The witness does not recollect all the citizens of Georgia who were at that council, but recollects Bolin Smith, of Monroe county, Gen. Ware, of Fayette county, two persons named Hudspeth, formerly of Jasper county.

To the second interrogatory, witness states, that he heard said Marshall say, that he was willing that the survey should be made : Witness says, that, on his way to the council, he stopt at Mr. Rooker's, on Flint River, where he met said Marshall, and breakfasted together. In company with Marshall, were Mr. J. Prosser, of Baldwin county, and a Mr. Edwards, then of the Creek Nation. - Marshall informed witness, that he had been to pilot Mr. Prosser to the residence of Gen. McIntosh, who was the bearer of an express from the Governor to McIntosh. Witness states, that he asked Marshall if he did not intend to attend the council : Marshall replied, that it was out of his power to do so, his business would not admit of it ; but that he had authorized Gen. McIntosh to sign an instrument for him, giving his consent to the survey ; that he was perfectly willing it should be done. This conversation was a few days before the council alluded to, and about the seventh or eighth of April last.

To the third interrogatory he says, that he has had some conversation with Gen. Gaines, upon the subject of a certificate, signed by Joseph Marshall and William Edwards, some time about the last of the past month, (precise day not recollected.) Gen. Gaines stated in the presence of witness, that he did not believe that there had been a council held for the purpose of giving consent to the survey ; that it was sufficiently proven by the certificate of Joseph Marshall, and a Mr. Edwards, a very respectable man, that there had been no such council. Witness then stated to Gen. Gaines, that there was such a council ; that he, the witness, was present at it. The witness states, that he then informed the General of the statements made to him (witness) by Joseph Marshall, herein before detailed.

Witness says, that he will not be positive, but believes that he did hand such a newspaper to Gen. Gaines.

To the fourth interrogatory he states, that he there informed Gen. Gaines that he would not make use of the name of Edwards, as a respectable man. That he believed Mr. Edwards was one of the very lowest class of mankind. Gen. Gaines then asked the witness what he knew of Mr. Edwards. Witness informed Gen. Gaines, that he knew that Edwards had left Georgia, and had gone into the Indian Nation, to avoid paying his just debts. The General then inquired of witness, to whom Edwards was indebted : he was informed by witness, that Edwards was indebted to him, (witness.)

The witness says, that he has known this Mr. Edwards about five years, and can safely say that he does not believe him entitled to credit.

To the fifth interrogatory, witness states, that he has been examined by Major Andrews upon the subject alluded to. The witness says, that he did state to Major Andrews, that, as to the negotiations concerning the treaty at the Indian Springs, he knew nothing of his own knowledge.

Witness states, that he did inform Major Andrews, and so stated in his testimony, that McIntosh declined to come out upon the subject of the treaty at Broken Arrow, and gave as a reason, that stated in the interrogatory.

The witness states, that the statement had reference to the Tookaubachee and Pole Cat law exclusively, but from the hasty manner in which the testimony of witness was then taken, he did not give that explanation that he wished to have done.

Witness now states, in explanation of that matter, that, when Gen. McIntosh made the statement about the law before referred to, he stated distinctly that it was the Tookaubachee and Pole Cat Spring proceedings he alluded to; that it was not a law authorized by the Nation, and illustrated his view of it, by marking off, on the ground, the shape of a handkerchief, and divided it into four equal parts in squares, and said, that the Tookaubachee and Pole Cat law was like that; that is, for one square to make laws for all the others. Witness states further, that Gen. McIntosh then said, that, notwithstanding it was not the general law of the Nation, there were a number of Indians who were afraid some of the others would try to put it in force if they signed the treaty: That Gen. McIntosh also stated, that he believed there were then a majority in favor of the treaty, but were afraid to let it be known on account of what they called the Pole Cat law.

Witness states, that, in the month of November last, previous to the meeting at Broken Arrow, Gen. McIntosh came to this place. (Indian Springs,) when and where he, the witness, exhibited to Gen. McIntosh a newspaper containing the proceedings at Pole Cat and Tookaubachee. The General said, at that time, which was the first he had seen of it; that Pole Cat and Tookaubachee had no right to make a law for the Nation; that all laws to govern the Nation must be made by a full council of the Nation. Witness then asked Gen. McIntosh, if he did not believe it would prevent the treaty; to which the General replied, that he did not: for it could not be considered a law by any other than those of Pole Cat and Tookaubachee. After witness arrived at Broken Arrow, in December last, to attend the then contemplated treaty, Gen. McIntosh informed him, that the Indians were more afraid of the Pole Cat law than he had expected. Witness states that Gen. McIntosh uniformly denied the existence of such a national law. That the Pole Cat law had been made by a party which had no voice in the sale of the land; and that he believed that the party entitled to sell, were all willing, but were still afraid of the Pole Cat law.

To the sixth interrogatory he says, that he does not recollect of having been distinctly interrogated by Gen. Gaines, though he referred witness several times to previous conversations.

To the seventh interrogatory he says, that both Gen. Gaines and Major Andrews, expressed surprise at his not testifying as they expected. They seemed satisfied with the testimony of witness, until he was interrogated concerning the transactions about the treaty at this place, about which witness informed them that he knew nothing particular. It was then they expressed their surprise, and inquired of witness, why he had not kept up an intercourse concerning the treaty with the Commissioners, as he seemed to have had something to do with them at Broken Arrow. He informed them that, in consequence of his engagements here, being then the proprietor and keeper of a tavern at this place, he was crowded with company, and could take no part in assisting to make the treaty.

To the last interrogatory, the witness says, that what may have been said to him upon that subject, can be of no importance to the points in issue.

Mr. Baley in conclusion, is desirous to state that, so far as respects his testimony given to Major Andrews, which was calculated to affect the United States' Commissioners, that his answers were given to direct interrogatories only; that he could have given, if interrogated to the points, such as would, in his opinion, fully justify the course pursued by the United States' Commissioners at Broken Arrow.

JOEL BALEY.

Examined, sworn to, and subscribed, before us, this 16th day of August, 1825.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,  
*Georgia Commissioners.*

Test, HUGH W. ECTOR.

*C. Vandeventer to Gen. E. P. Gaines.*

DEPARTMENT OF WAR,

August 30, 1825.

SIR: Your letter of the 4th instant to the Secretary of War has been received, and submitted to the President of the United States, who directs me, in the absence of the Secretary, to say, that, as the Indians in Council have refused to receive the \$200,000 under the treaty, no farther tender of the payment will be made to them until you are further instructed on the subject by this Department.

The President approves of your proposition to send an Assistant Agent "to visit every village and settlement within the ceded territory, to ascertain the names of the Chiefs, warriors, and the numbers in each of their families, and to notify them to attend at a convenient place on the Chattahoochee within the ceded territory in the month of November next." I have the honor to be, &c.

C. VANDEVENTER.

Maj. General EDMUND E. P. GAINES,  
*Milledgeville, Georgia.*

*Secretary of War to Governor Troup.*

DEPARTMENT OF WAR,

*August 31st, 1825.*

SIR: I am directed by the President of the United States to acknowledge the receipt of your letters to him, of the 7th and 26th of July, and of the 7th instant, with their respective enclosures; also, of an enclosure containing newspapers of the 2d and 9th of August.

Deeply regretting the different views of the treaty concluded last February, at the Indian Springs, which you have entertained, from those which he has found himself, upon the most deliberate consideration, and under the most solemn of responsibilities, compelled to take, he is anxiously desirous to avoid every thing which, dictated by no absolute necessity, might have a tendency to widen differences, in his belief, otherwise easily reconcilable. He has felt it, therefore, his duty to decline entering upon any discussion with you which can be forborne; and he perceives nothing in your letters which the interests of the People of Georgia, or of the rest of the Union, require to be discussed with you.

The Government of the United States is fully aware of its duties to the People of Georgia; among which is that of shewing due respect to the station of their Chief Magistrate. A duty, if possible, still more indispensable, is that of a constant and faithful attention to their interests, and an earnest solicitude to fulfil all the obligations of the Union to them.

There are duties, also, not only of justice, but of humanity, not only of natural equity, but of positive stipulation, which the Government of the United States is bound to fulfil towards the unfortunate aboriginal inhabitants of this country. That these have not been violated in the conclusion of the treaty at the Indian Springs, the President would willingly hope; that they would be violated by the attempt to survey the territory, secured till September, 1826, to the Indians, he has no doubt. He has heard, therefore, with the most lively satisfaction, the determination of your Excellency to proceed no further in the survey till the Congress of the United States, and the Legislature of Georgia, shall have had the opportunity of acting upon the subject, as, in their respective judgments, the rights, duties, and obligations, of all the parties concerned, may require.

The alarm naturally occasioned by the catastrophe of McIntosh, and which threatened an immediate bloody and desolating war, has now subsided; the internal peace of the tribe has been restored; all apprehension of hostilities against the inhabitants of Georgia has vanished: to confirm this state of tranquillity, and to renew peaceable and reasonable efforts to reconcile the Indians to the measure of removing from the territory, appears to the President to be his duty; in which he will not abandon the hope of being seconded by the Governor and authorities of Georgia. The subject, in all its aspects, will be submitted to the consideration of Congress at their approaching session; and all the instructions to the officers of the

United States, as well as their conduct under them, will be subject to the animadversions of that body upon them, for approbation or censure, as they may appear to have deserved.

I have the honor to be your obedient servant,

JAMES BARBOUR.

His Excellency G. M. TROUP,  
Governor of Georgia, Milledgeville.

*Governor Troup to the President of the United States.*

EXECUTIVE DEPARTMENT, GEO.

*Milledgeville, 31st August, 1825.*

SIR : In the enclosed gazette you will find another insolent letter, dated the 16th instant, addressed by your Agent, brevet Major-Gen. Gaines, to the Chief Magistrate of this State. Having been betrayed by his passions into the most violent excesses, he is presented before you at this moment, as your commissioned officer, and authorized Agent, with a corps of regulars at his heels, attempting to dragoon and overawe the constituted authorities of an independent State ; and on the eve of a great election, amid the distractions of party, taking side with one political party against the other, and addressing electioneering papers, almost weekly, to the Chief Magistrate, through the public prints, couched in language of contumely, and insult, and defiance ; and for which, were I to send him to you in chains, I would transgress nothing of the public law. The same moderation and forbearance with which I have endeavored, heretofore, to deport myself in my intercourse with you, and from which, I trust, there has been, in no instance, a departure, but on the highest necessity, have restrained me from resorting to harsh or offensive measures against him. You will see, however, if this officer has been thus acting by your authority or countenance, you have an awful atonement to make, both to your contemporaries and to posterity ; but if, contrary to either, he has assumed the responsibility to himself, it is expected that your indignant reprobation of his conduct will be marked by the most exemplary punishment which the laws will enable you to inflict. I demand, therefore, as Chief Magistrate of Georgia, his immediate recall, and his arrest, trial, and punishment, under the rules and articles of war.

You will find, in the same paper, sundry affidavits, proving the falsity of the certificate given by Marshall and Edwards to General Gaines, and which further proves that General Gaines must have obtained it to wield as an instrument in the pending contest on the side of one party against the other. As I write this, another gazette has been put into my hand, containing another letter, of subsequent date and similar character ; which is also enclosed for your information.

Very respectfully,

G. M. TROUP.

The PRESIDENT of the United States.

Enclosure in Governor Troup's letter to the President.

FROM THE GEORGIA JOURNAL.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Indian Springs, August 16th, 1825.*

SIR: I have received your Excellency's letter of the 6th, post marked "Milledgeville 8th Aug." acknowledging the publication of a letter from me, the original of which you say you had not received.

To this I have only to say that it was forwarded in due time. It is doubtless known to you that yours of the 17th July, was published, as it is presumed, by your authority, in a newspaper before I replied to it. You could not therefore feel much "surprise" at the publication of my reply. I had seen, with regret, that, for a United States' officer to write to you, was in fact to write for the newspapers, and that to differ from you in opinion, was to be denounced as an offender.

Since this was apparent to me, that is, since the receipt of yours of the 17th July. I have been well aware of the tax which our little differences of opinion, would impose upon me—a tax which conscious innocence suffers under the groundless imputation of guilt. I was not therefore much surprised at the gross misrepresentation of your *dedimus potestatem* Commissioners, nor at the concluding paragraph of yours of the 6th, wherein you say "I have lost no time to direct you to forbear farther intercourse with this Government." These expressions, like others contained in some of your previous letters (but of which I took no notice) wherein you speak of my using the militia against Georgia, &c. &c. appear to evince a very high degree of that prejudice, and *inflated pride of office*, which might well be expected to prompt some little European despot "to feel power and forget right."

Were you some little German Prince for example, (the most self-important and overbearing of all the crowned tribe) and I a Turk, it would in that case excite no surprise that the little German Prince should address the Turk, as you have more than once addressed me; and after freely indulging in words of "learned strength and thundering sound," conclude with the expressions above quoted, viz: "*I have lost no time to direct you to forbear further intercourse with this Government.*"

But I am not a Turk, nor are you a Prince! I am a plain native of Virginia, and an adopted citizen of Tennessee. I am an officer of the United States, of which Georgia is an honored and an honorable member—my lawful public duties have called me into this State; where, yielding due homage to her laws, and those of the United States, I find myself possessed of ample privileges which depend not upon the whim or caprice of any individual; no, not even the Governor! with whose correspondence I confess to you, Sir, I have not been so much delighted or instructed, as, individually, to wish for its continuance.

But however unprofitable your correspondence may be to me individually, yet the respect due to the office you fill, will not permit me to yield to the nonintercourse which you have, without authority, pre-

sumed to "direct." On the contrary, Sir, I have the right as a citizen, and the additional right as a public functionary, to address you : and should my official duty require that I should at any time address the Executive of this State, personally, or by letter, I shall not fail to do that duty with the respect due to the office and the State over which you preside. In this State, as in all others of the United States that I have visited, I am gratified to find around me, *men and patriots*, and the descendants of *men and patriots*, who fought and bled for the independence of our country : and who, in September, 1787, in the first paragraph of a rare and very interesting work which I would recommend to your attention, united with the patriots of other States in saying—"We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves, and our posterity, do ordain and establish this Constitution for the United States of America." Among such *men* I cannot feel myself as a stranger in a foreign land ! Many of these men, I am assured, will do me the justice to believe that the United States' soldier, whose respectful communications of June and July last, you answered with official arrogance, would cheerfully seize upon any proper occasion to throw himself between them and the fire of an invading foe, to save from harm the humblest citizen of the State.

My military command has alternately, within a few years past, extended to every State and territory of the Republic. I have at different times, been honored with the acquaintance and occasional correspondence of more than twenty of the State and Territorial Governors, from neither of whom, except yourself and one other, have I ever received any expression other than of the most dignified, amicable, and polite kind. I have addressed one and all of them, and you, in the same heartfelt terms of that respect, which naturally flows from an habitual devotion to the beloved institutions of our common country, no feature of which is in my estimation so valuable as that which secures the just rights and privileges of the individual States : rights and privileges defined by the constitution and known laws, and not such as depend upon the prejudice and passion of a few individuals : rights and privileges to promote which, is to promote the interest and honor of the Union. With these impressions I have approached the State authorities, not as *foreign Princes*, but as brethren of one great political family, whose fair fame has already attracted the admiration of every civilized country, and whose example has led to the establishment of liberty in South America, and promises to aid in its final extension and permanent establishment throughout every nation of the world. Such institutions should not be sported with. A public officer, resolved to act the part of a *bold* man, when he has lost the character of a wise one, may sometimes, perhaps, innocently amuse himself in attempts to pass off the turbulence of his thundering words for force, and the frenzy of his party zeal for fire ; but when he thus writes himself into a great passion about nothing, and when he permits himself to utter threats in the face of such institutions, and gravely appeals to his comrades and "co-workers" and says unto them,

"having exhausted the argument, we will stand by our arms;" we (the people) involuntarily call to mind the ludicrous idea of licentiousness personified in the act of "tweaking justice by the nose, and the babe beating the nurse"—and it becomes a grave question to determine whether to smile or be serious at such eccentricities.

Wishing your Excellency health and respect, I have the honor to be,

EDMUND PENDLETON GAINES,

*Maj. Gen. Comd'g.*

To his Excellency GEORGE M. TROUP,  
*Governor of Georgia.*

Enclosure in Governor Troup's letter to the President.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Milledgeville, August 29, 1825.*

SIR: I have received your communication, through Mr. Secretary Pierce, with two papers purporting to be copies of letters from your Excellency to the President of the United States, bearing date the 26th July and 6th August; wherein it appears you are pleased to write *at me* and *of me*, notwithstanding your avowed resolution not to write *to me*.

To this wise expedient, to preserve the immense weight of dignity under which your Excellency labors, I can have no objection. I take this occasion, before noticing your assumed "*facts and argument*," to assure you that I have no authority, whatever, from the President of the United States, or Department of War, to write or speak to you upon any other than public and official subjects—such as I have, with perfect frankness and cordiality, communicated to you, previous to the receipt of your letter of the 17th July. In that letter, you will recollect, you so far lost sight of your own proper sphere of action, as to attempt to give me what you term "*a gentle rebuke*." You thus, then laid aside the wonted high themes of your brilliant pen—the *Federal Government, the Federal Judiciary, State rights, Yazoo claims, &c. &c.*—and leaving all these great matters to stand or move in the separate and distinct orbits in which the Federal and State constitutions and laws have wisely placed them, you have "*descended*," rather hastily as it would seem, to unauthorized personal animadversion and "*rebuke*," touching certain official duties confided to me.

In repelling the personal censure and menace contained in what you have termed your "*mild rebuke*," I have acted on my own individual responsibility, without any authority, save that which is implanted in the breast of every upright man, civilized and savage, and which is known to the virtuous and wise, as the "*first law of nature*"—a law which authorizes the free use of the bayonet against the highway robber of money, whose weapon is of a deadly hue, and the



free use of the pen against the official robber of reputation, whose known weapon is the pen. I have no money ; and but little property of any kind, that would command money, and, therefore, have no occasion to guard against the highway robber ; the little store of wealth of which I am master, consists of an untarnished reputation, with some testimonials of applause, generously and spontaneously bestowed on me, by the National and some of the State Legislatures, of which Georgia is one ; and by which she and they have secured my lasting gratitude, and strengthened the ties of friendly feeling and brotherly union between us. This little store is highly valued by me. It is my own—my all. It will be held in trust by me, for my children and my country ; and it is, therefore, my right and bounden duty to preserve and defend it. It would be criminal in me to neglect it. No earthly law can impair the higher law of self-defence and self-preservation.

My letters of the 14th, 16th, and 22d June, and those of the 1st and 10th July, have convinced my friends, whose good opinion I value most highly, of my uniform and earnest desire to abstain from collision with you ; and, in my answer to yours of the 17th July, it is known that your suggestion of the haste in which you wrote, induced me to decline a reply for a week, and until your letter made its appearance, as usual, in a newspaper, doubtless by your permission.

If, in mine of the 28th July, of which you complain to the President, or in my last, of the 16th of this month, it should appear that *nature* or a *defective education* should have implanted in me a little spice of that *knight errantry* for which your Excellency is so much renowned, and that I should thereby have been tempted to *break a lance with you in something like your own proper style*, I cannot but hope that my fault, in this case, in following your example, and quoting your own expressions, (the only fault with which I can possibly be charged,) will be pardoned by the President and People of the United States, of whose wisdom, and justice, and magnanimity, I have had the most undoubted proofs. To your Excellency, I have no apology to offer : I propose, however, that, in our future correspondence, after disposing of your futile charges against me, that you and I may confine ourselves to our *public and official duties*. When these are accomplished, I hereby promise, should you desire it, to correspond with you *unofficially*, until “we shall have exhausted the argument ;” and then we will stand by our—goose quills, and talk of “*valor* ;” about which you have written to the President.

In the interim, since you appear to be fond of quotations from the poets, upon the subject of “*valor*,” I will here give you one for your particular consideration and benefit : “The brave vent not their prowess in a storm of words, they let actions speak for them.”

In your letter of the 26th July, recommending to the notice of the President, the report of your Commissioners, you remark that the report “may indeed be said to carry with it its own commentary,” and yet you have taken care to furnish it with an elaborate commentary ! It has gone forth doubly armed with its own and your com-

mentary. Thus armed and shielded at all points, it remains for me to approach and try its boasted strength. In this necessary measure of self-defence, I shall proceed upon the principle indicated in the following quotation: "*Out of thine own mouth will I convict thee.*"

From your "documentary evidence," and from the report of your Commissioners, it is my purpose to prove—1st. That your attempt to associate your Commissioners with me was an usurpation, as unwarrantable as it was indecorous. 2d. That their report is tainted with misrepresentation and perfidy. 3d. That the real object of your Commissioners was to thwart my efforts to restore peace among the Indians, notwithstanding their professed desire to co-operate with me in the development of truth, and the restoration of peace and harmony.

If I do not, in my next letter, establish these three points, then will I agree to submit it to the denunciations of your Excellency and the whole tribe of your servile newspaper slanderers, during the remaining period of my life.

I have the honor to be,

**EDMUND PENDLETON GAINES.**

*Maj. Gen. Commanding.*

To his Excellency G. M. TROUP.

*Governor of Georgia.*

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*General Gaines to the Secretary of War.*

**HEAD QUARTERS, EASTERN DEPARTMENT,**

*Milledgeville, Geo. Sept. 12th, 1825.*

SIR: I have received from your Department Major Vandeventer's letter, of the 30th August, and, pursuant to the concluding paragraph thereof, have addressed Colonel Crowell a letter, requesting him to employ his Assistant Agent in taking the names of his chiefs and warriors with the actual number of Indians within the ceded territory; and to notify them to assemble on the Chattahoochie river the 20th of November next; a copy of which I enclose herewith, No. 1.

The enclosed No. 2, is the copy of an order which, it appeared to me, necessary and proper to publish, with a view to guard ignorant and evil disposed persons from intruding upon, or attempting to involve, the Indians in war, or other difficulty.

Having ascertained, with some certainty, that the *good sense* and good principle which mark the character of a large majority of the People of Georgia, (of all political parties) have had the effect of convincing Governor Troup of the utter impossibility of his being sustained by them in an attempt to force his Surveyors upon the Indians, in defiance of the treaty; and that he has abandoned the hopeless project, I have determined to resume my inspection of the right wing

of my Department. For this purpose, I shall leave this place in the course of a few days, for Augusta; and shall remain there, and at Columbia, South Carolina, where there are some military stores, until the latter end of this month; at which time, if not otherwise instructed, I shall repair to Fortress Monroe, and thence to Governor's Island, New York.

With perfect respect,

I have the honor to be,

EDMUND P. GAINES,

*Major Gen. by Brevet Commanding.*

The Hon. JAMES BARBOUR,  
*Secretary of War.*

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*Secretary of War to General Gaines.*

DEPARTMENT OF WAR,

*September 16th, 1825.*

GENERAL: In the answer to your letter of the 4th August, by the Chief Clerk of this Department, you were advised that the President approved of the steps you had taken to ascertain the number of Indians within the ceded territory, and also of convening the Chiefs in Council in November, at a convenient place on the Chattahouchie, for the purpose of receiving their money; but, that the Indians having refused to receive the first instalment of the late treaty, no new tender should be made them until you were further instructed by this Department. The wishes of the President heretofore so often communicated, to obtain, if possible, the acquiescence of the Indians in the treaty, have been increased rather than diminished, by recent events. You will, therefore, avail yourself of all fit and proper means still, to obtain their consent to the treaty in its present shape, in which, if you succeed, the money may be immediately paid, in conformity to the provisions of the treaty; and, although the determined hostility manifested by the Indians at Broken Arrow, to such acquiescence, discourages any sanguine expectation of success; yet, the experiment is worth making; the more especially, as it is believed, from your knowledge of the People with whom you have to treat, and your influence over them, you would be more likely to effect so desirable an object than any other person the President could employ. I forbear to present to you the considerations which you might urge upon the Indians as motives to their consent, as you are already in full possession of the subject, and because your experience and knowledge relieve me from the necessity. If, however, your efforts should be unavailing, and the opposition of the Indians to the execution of the treaty should be invincible, you are hereby authorized to make a new treaty with the Creek nation, for the cession of so much of their land as lies within the limits of Georgia. The consideration for such cession might be graduated by the standard furnished by the present

treaty. Such, however, is the solicitude of the President to obtain a cession of the land in Georgia, that, if better terms cannot be had, he authorizes you to give land, acre for acre, and the sum of money which, by the treaty, was to have been given for the whole land ceded, viz. \$400,000. But the Indians must be distinctly informed, that this arrangement is altogether conditional, its validity depending on the sanction of the Senate; and that, if this last arrangement be not agreed to, it is to have no influence whatever on the existing treaty, as it is not competent to the President, if he even was disposed to do so, to cancel it. You will, of course, pay no part of the money under such new arrangement, till its ratification. It is very desirable that the result of your meeting should be forwarded with the least possible delay, so as to be here by the meeting of Congress, or as early thereafter as practicable.

Col. Crowell, the Agent, is instructed to co-operate zealously with you in the measures you may think proper to adopt.

I have the honor, &c.

JAMES BARBOUR.

Maj. Gen. E. P. GAINES,  
*Milledgeville.*

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*Secretary of War to Col. J. Crowell.*

DEPARTMENT OF WAR,

*September 16th, 1825.*

SIR: The report of Major Andrews on your case, and the accompanying documents, are so voluminous, that it has been found, from the press of other business, impracticable for the President to give the subject the deliberate consideration which its importance deserves, and, therefore, no decision has been formed upon it. He will, at a more convenient period, decide upon the case, and of which you will be promptly informed by this Department. Meanwhile, Gen. Gaines having invited a Council of Chiefs in November, for the purpose of renewing his efforts to obtain their acquiescence in the treaty, an opportunity will be offered you of displaying your zeal in promoting the object of the Government; and the President will hear with pleasure of your hearty co-operation with Gen. Gaines, by a cheerful and prompt conformity to such measures as the General shall enjoin upon you. The General has full power and instructions upon the subject, which he will communicate to you.

I have, &c.

JAMES BARBOUR.

Col. JOHN CROWELL, *Indian Agent,*  
*Creek Agency, Georgia.*

*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Augusta, Ga. Sept. 16th, 1825.*

SIR : Since my arrival at this place last night, I have found among my papers the copies numbered 1 and 2, referred to in my letter to you, from Milledgeville, Geo. of the 12th of this month, and, by accident, omitted to be forwarded therein; they are enclosed herewith.

I have the honor to be,

EDMUND P. GAINES,

*Maj. Gen. by Bt. Commanding.*

The Hon. JAMES BARBOUR,  
*Secretary of War.*

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Enclosure No. 1.

*Gen. Gaines to Col. Crowell.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Milledgeville, Ga. September 11th, 1825.*

SIR : The President of the United States has approved of my proposition, "to send an Assistant Agent to visit every village and settlement within the ceded territory; to ascertain the names of the chiefs and warriors, and the number in each of their families; and, to notify them, to attend at a convenient place on the Chattahouchie, within the ceded territory, in the month of November next;" for purposes connected with the late treaty.

I have, therefore, to request that you will be pleased to instruct your assistant Agent, Capt. Triplett, or, in the event of sickness or other disability on his part, such other assistant Agent as you may appoint, to visit each village within the ceded territory, and take the names of the chiefs and warriors, and the actual number in each family within the ceded territory, before the 20th November next; at which time they will be notified to attend a council at a convenient place, which you may select on the Chattahouchie, within the ceded territory.

The commanding officers will afford every requisite facility for the safe and speedy accomplishment of this duty.

I presume that you have heard from the Department of War, but, lest this should not have been the case, I take this occasion to address you upon the subject, in virtue of the *Special Mission* with which I am charged, in reference to the late disturbances and the treaty.

The census will be taken in a book kept for that purpose, and upon oath.

Very respectfully,

Your obedient servant.

EDMUND P. GAINES,

*Maj. Gen. Commanding.*

To Col. JOHN CROWELL,

*Agent for Indian Affairs, Creek Agency.*

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

Enclosure No. 2.

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Milledgeville, Ga. September 12th, 1825.*

## ORDERS.

The Commanding General of the Department, publishes, for the information and government of all whom it may concern, the 8th article of the treaty between the United States and Creek Indians, bearing date, the 12th day of February, of the present year, which is as follows :

“ARTICLE 8. Whereas, the said emigrating party cannot prepare for immediate removal, the United States stipulate for their protection against the encroachments, hostilities, and impositions, of the whites, and of all others ; but the period of removal shall not extend beyond the 1st day of September, in the year eighteen hundred and twenty-six.”

The party designated in this article, as the “*emigrating party*,” is deemed to consist of every Indian residing within the ceded territory, embraced in the treaty. Measures are taken, pursuant to orders from the Department of War, to ascertain, at each village within the ceded territory, the names of the Chiefs and Warriors, with the actual number of men, women, and children, residing therein, preparatory to a meeting to be held in the said territory, for purposes connected with the treaty, of the 20th on November next.

The commanding officers in the Creek Nation, will afford every requisite facility for the safe and speedy accomplishment of this duty ; and they will protect the Indians agreeably to the treaty. Intruders and mischief makers found among the Indians, will be arrested, and turned over to the civil authority, to be proceeded against according to law.

Reports and other communications for the General, will be addressed to him at Augusta, until otherwise directed.

By order of Major General Gaines.

E. G. W. BUTLER, *Aid-de-Camp.*

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*The Secretary of War to Governor Troup.*

DEPARTMENT OF WAR, --

*September 19th, 1825.*

SIR: Your letter of the 31st of August, to the President of the United States, has been received by him, and referred to this Department to be answered.

The President has decided, that he cannot consistently with his view of the subject, accede to your demand to have General Gaines arrested.

He perceives no sufficient necessity to depart from the course he had determined to pursue before the receipt of your letter, and which I communicated to you fully in the last paragraph of mine of the 31st of August, in which you are informed, that "the subject in all its aspects will be submitted to the consideration of Congress at their approaching session, and all the instructions to the officers of the United States, as well as their conduct under them, will be subject to the animadversions of that body upon them, for approbation or censure, as they may appear to have deserved."

I enclose you a copy of my letter to General Gaines, and, in so doing, I give you a new proof of the frankness by which the Executive has been guided in its intercourse with you, and furnish you with the means of learning its sentiments on the unpleasant occurrence referred to in your letter.

I have the honor, &c.

JAMES BARBOUR.

Governor G. M. TROUP.

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Enclosure in the Secretary of War's letter to Governor Troup.

*The Secretary of War to General Gaines.*

DEPARTMENT OF WAR,

September 19th, 1825.

GENERAL: I enclose you a copy of a letter from Governor Troup, in which you will see he has demanded your arrest, for having violated the articles of war, by your several letters of 10th and 28th of July, and 16th and 29th of August last, addressed to him, and which you caused to be published. The President has decided that he will not accede to this demand. I enclose you my reply of this date, to Governor Troup.

There is no part of his duty, which the President more anxiously pursues, than that of maintaining the most scrupulous decorum in his official intercourse with the State authorities; a line of conduct from which no circumstances, however aggravated, have or will tempt him to depart. He feels it incumbent on him, to cause every officer of the Government to pursue a similar course. He has therefore, seen with regret, that, in the letters published, which, though not transmitted to this Department, he presumes are authentic, purporting to be from you to Governor Troup, you have permitted yourself to indulge a tone, whose effect will be to destroy that harmony which the President is so much disposed to cherish; and the publication of which, is calculated to inflame those differences which moderation and forbearance would not fail to allay. In communicating to you the disapprobation of the President, as well for writing, as publishing those letters, and his injunction that, in your official intercourse with Governor Troup, in future, you abstain from every thing that

may be deemed offensive, I am directed to add, as an act of justice to you, that the President sees in the serious charges made against you by Governor Troup, and the publicity given to them, and which the letters complained of were intended to repel, circumstances which go far, in his opinion, to palliate your conduct; and, without which palliation, the President would have found it his duty, to have yielded to the demand of Governor Troup.

Maj. Gen. E. P. GAINES,  
*Milledgeville.*

I have the honor, &c.  
JAMES BARBOUR.

*General Gaines to the Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Sand Hills, Augusta, Ga. Sept. 26th, 1825.*

SIR: I have the honor to transmit for your information and sanction my abstract of payments for rations of corn, corn meal, meat, and salt, furnished the Indians of the Council at Broken Arrow Creek nation, and those of the McIntosh party, and others, reported to belong to that party at the places occupied by them, in the State of Georgia; together, with the requisite vouchers, numbered 1 to 13, inclusively, amounting to \$10,891 29 cents.

The want of an officer to do this duty, prior to the arrival of Lieutenant Bell, and the pressing demands of the contractors, all needy and importunate, induced me to make these payments.

The additional payments for subsisting the Indians up to this time, which I have directed Lieutenant Bell to make, will not, I think, exceed \$2,000, or 2,500 more; making an amount, added to the \$10,891 29, of near \$14,000; principally, as you will perceive, for subsisting the McIntosh party.

It is proper to remark, that the McIntosh party, and particularly the McIntosh family, have a considerable number of slaves, who were included in the returns for rations. The defect apparent in the vouchers of Joel Baley at Indian Springs, for issues in the returns of Chilly McIntosh, was not discovered by me, until the last payment was made. This defect consists in the omission of the number of Indians drawn for. After discovering this omission, I employed Mr. Luther Blake, a young man of good character, to visit the places where rations were issued, and to take the names of chiefs and warriors, with the actual number of women and children of that party. I have but recently received his report, of which I enclose herewith, a copy marked A, with enclosures therein referred to, No. 1 to 9, inclusively, by which you will perceive that the whole number of the McIntosh party consists of only 416, including men, women, and children. The whole number of Creek Indians, by the latest accounts, is 20,600. It is evident, therefore, that my estimate, so confidently questioned by Governor Troup, is, in fact,



within a small fraction of the proportion stated ; that is to say, the McIntosh party consists of but a small fraction more than *one fiftieth* part of the nation ; and that near forty-nine fiftieths are, and have uniformly been, opposed to the treaty.

It has been a favorite object of Governor Troup to augment, by all possible means, the supposed number of the ostensible McIntosh party. Hence his Brigadier General Ware, of *Fort Troup*, (whom the Governor appointed, previous to my arrival, to supply the Indians with rations, and I unfortunately confirmed the appointment, before I learned his real character,) has endeavored to frighten many Indians, peaceably residing on the Chattahouchie, and not of the McIntosh party, to come to his Fort in the settlement, and draw rations ; assuring them, that, if they did not come, they would be reported as *hostiles* ; (see the enclosed certificates in package A, see likewise B, and C.)

It will be necessary, for some time to come, to issue rations for near 500 of the McIntosh party, principally women and children, and infirm men ; as they are without the means of subsistence, and I think we are, in *honor* and *justice*, bound to take care of them ; for they have suffered by the improper conduct of our *Georgia United States' Commissioners*, (as I cannot doubt ; ) they have suffered too, under the impression, that, in complying with the demands of the Commissioners, they were acting in conformity with the wishes of the President of the United States.

With perfect respect, &c. &c.

EDMUND P. GAINES.

To the Hon. JAMES BARBOUR,  
*Secretary of War.*

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Enclosure A, in General Gaines' letter to the Secretary of War.

*L. Blake to Gen. Gaines.*

CREEK AGENCY, *August 13th, 1825.*

SIR : As you directed, I proceeded up the country, to the several places where the Indians have received their subsistence.

At Colonel William O. Wagon's, I found 111 men, women, and children. At General Alexander Ware's, there were fifty-seven altogether. Some of those at this place, I could not persuade them to give their names, therefore, put them down without any. The numbers at these two places, is much larger than they would have been, had not General A. Ware wrote to them, commanding them to come in ; which you will see by the certificate of Colonel Wm. O. Wagon and two or three other respectable men.

I was informed by some of the Indians, that they objected at first to come, but as they were *ordered*, they dare not disobey.

At Major John H. Brodnax's I found 204 ; and at Indian Spring 43 ; making, altogether, 96 men, 109 women, and 211 children.

General Ware and Colonel Wagnon were to stop issuing on the 26th August ; Major Brodnax on the 28th.

The whites are crowding over the line in large numbers ; and, if allowed to remain, will prevent the Indians from making any thing the coming season.

Colonel Wagnon has given a list of many of the intruders, and has promised to collect all the information that will be of benefit, before the talk, which will be on the 25th or 26th instant, where he will attend himself. He is intelligent, and willing to do any thing in his power, which will promote the interest of the General Government.

The names of the head men, and the number of their family, rank as chiefs, &c. enclosed with this, is correct.

I remain, respectfully, &c.

LUTHER BLAKE.

Maj. Gen. E. P. GAINES.

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

Enclosure B, in Gen. Gaines' letter to the Secretary of War.

*Lieut. Bell to Gen. Gaines.*

FLINT AGENCY, September 14th, 1825.

**GENERAL:** Agreeably to your instructions of the 27th August, I proceeded by the way of Marshall's ferry, to De Kalb county, accompanied by Mr. Blake, where we arrived on the 9th instant, at the house of Colonel Wagnon, on the Chattahoochie. This gentleman, who appeared to possess ample information of every thing going forward in that quarter, was polite enough to accompany us through the adjacent country, and into the Creek nation ; affording us every information in relation to the object of our visit.

You will receive, herewith, his certificate, together with those of three other persons in relation to the character of a letter said to have been written by General Alexander Ware. One of these certificates was given by Captain James Black, of Fayette county, who, you will perceive, was the bearer of the communication from General Ware to the Indians, and who read or published it to them.

From the respectability of the signatures to these certificates, and the number and character of the persons who saw and read the letter, and can at any time testify to its contents, it is rendered sufficiently evident, that such a letter was written by (the contractor) General Ware. I was extremely anxious, if possible, to gain possession of the letter ; and, for this purpose, crossed the Chattahoochie into the Indian settlement, to which it was directed ; but, on my arrival there,

found that Chawklamicoo, the principal Chief of the Sand Town Indians, who had it in possession, had, a few days previous, passed into the Cherokee nation.

Colonel Wagon stated it as a probable circumstance, that he would attend the meeting of Indians, to be held on the 25th instant, on the Chattahoochie; and that, in that event, he would endeavor to obtain this letter, together with other evidence necessary in the settlement of the McIntosh claims, which could not be obtained by me, in so short a time.

Accompanied herewith, you will also receive a list, given by Col. Wagon, of eighteen or twenty persons, (with their places of residence as nearly as possible,) who come properly under the denomination of intruders on the Indians; they having established themselves on the Indian side, bought improvements, built houses, mills, &c. &c.

This list is, however, considered by Colonel Wagon as far from being complete; a number of persons having settled on the Indian side, whose names could not be obtained at that time.

You will also receive, herewith, a list of fourteen or fifteen persons, who, in the confusion consequent upon the death of McIntosh, descended the Chattahoochie, and, as they say, by the invitation of the McIntosh party, brought off corn and other articles in the quantities set opposite their names, as nearly as could be ascertained.

We visited the majority of these persons, who stated, that the quantities that they respectively took was accurately measured, with a view to its being accounted for, should they ever be called upon for this purpose.

In some cases, being unable to find the persons, we have set opposite their names [the quantity] they were said to have taken. Mr. Blake has, at the same time, completed the return of the McIntosh party of Indians, which now appears to amount to about four hundred, men, women, and children.

I have the honor to remain, &c. &c. &c. &c.

WM. H. BELL, *Lt. 4th Art'y.*

To Maj. Gen. GAINES,,

*Commanding.*

A true copy.

E. G. W. BUTLER, *Aid. de-Camp.*

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Enclosure C, in Gen. Gaines' letter to the Secretary of War.

*Col. Crowell to Lieut. Butler.*

PRINCETON, September 13th, 1825.

SIR: I have received your letter of the 10th instant, in which you observed, it had been represented to General Gaines, by Rolly McIntosh, that the Indians had refused to deliver to the widow of General McIntosh, the ferry of her deceased husband.

In reply, I have to state, that, as soon as I learned that the widow, and several others of that party, had reached the neighborhood, I had a meeting of them and other Chiefs of the nation, when I stated to them distinctly, and in the presence of Major Donoho, that, in order to enable me to have the business in relation to the property satisfactorily settled, I should convene the Chiefs of the nation to meet the McIntosh party, in the square, when I would examine their claims, and decide as I thought justice demanded.

I have appointed the 25th of this month for that meeting, and have requested Colonel Chambers to attend. Rolly McIntosh was present when I made the arrangement; but, Sir, they are determined not to be satisfied, and, if the General will permit them, they will continue to trouble him, and to make false representations to him.

I have the honor, &c.

JNO. CROWELL,  
*Agent for I. A.*

Mr. E. G. W. BUTLER, *Aid-de-Camp.*

## Enclosure No. 1.

*Number of Indians, men, women, and children, that belong to the McIntosh party, at Major John Brodnax's, Newnan, Pike County, Georgia.*

| Names of Chiefs and heads of families. | Grade. | No. of men. | No. of women. | No. of children. | To what town they belong. |
|--|--------|-------------|---------------|------------------|---------------------------|
| Joseph Marshall,                       | 4th    | 2           | 1             | 5                | Coweta.                   |
| William Miller,                        | 4th    | 2           | 2             | 4                | Broken Arrow.             |
| Espoke Emailo,                         | -      | 4           | 2             | 6                | Do.                       |
| Artochee Esholor,                      | -      | 1           | -             | -                | Cusseta.                  |
| Ashikai Tuskenegar,                    | 4th    | 2           | 2             | 8                | Broken Arrow.             |
| James Island,                          | -      | 2           | 2             | 5                | Coweta.                   |
| Ralsee Hajo,                           | -      | 2           | 2             | 4                | Do.                       |
| Woochooche Emailo,                     | -      | 1           | 1             | 4                | Do.                       |
| Nihiholar,                             | -      | 1           | 1             | -                | Do.                       |
| Pucktee-tustee-chopko,                 | -      | 3           | 4             | 7                | Do.                       |
| Samuel Miller,                         | -      | 1           | 1             | -                | Broken Arrow.             |
| John Harrod,                           | -      | 1           | 1             | 9                | Do.                       |
| Charles Miller,                        | 4th    | 2           | 4             | 7                | Do.                       |
| Robert Sigee,                          | -      | 1           | 2             | -                | Do.                       |
| Andrew Levitt,                         | -      | 2           | 1             | -                | Do.                       |
| Harper Levitt,                         | -      | 1           | 3             | 4                | Do.                       |
| Talase-hajo-chopko,                    | -      | 1           | -             | -                | Do.                       |
| Louisachee Emailo,                     | -      | 4           | 4             | 7                | Coweta.                   |
| Jacob Beavens,                         | 4th    | 1           | -             | -                | Do.                       |
| Dicky,                                 | -      | 1           | 2             | 6                | Rofauly.                  |
| Rolly McIntosh,                        | 4th    | 5           | 4             | -                | Coweta.                   |
| Benjamin Marshall,                     | 4th    | 2           | 2             | 2                | Do.                       |
| Cornup Harjo,                          | -      | 1           | 1             | 4                | Do.                       |
| James Derram,                          | -      | 5           | 7             | 7                | Do.                       |
| Frank Levitt,                          | -      | 1           | 1             | 2                | Broken Arrow.             |
| Munker,                                | -      | 1           | 1             | 2                | Do.                       |
| Absalom Island,                        | -      | 1           | 1             | -                | Do.                       |
| Necopo Emailo,                         | -      | 2           | 2             | 4                | Do.                       |
|  |        | 53          | 54            | 97               |                           |

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

## Enclosure No. 2.

*Number of men, women, and children, that belong to the McIntosh party, at Indian Springs, 8th August, 1825.*

| Chiefs and heads of families. | Grade of Chiefs. | No. of men. | No. of women. | No. of children. | What towns, &c. |
|-------------------------------|------------------|-------------|---------------|------------------|-----------------|
| Chilly McIntosh,              | -                | 2           | 10            | 10               | Coweta.         |
| Benjamin Derauzau,            | 4th              | 1           | 2             | 3                | Do.             |
| John Carr,                    | -                | 1           | -             | -                | Do.             |
| Entelifka,                    | 4th              | 5           | 3             | 3                | Do.             |
| John McIntosh,                | -                | 1           | 2             | -                | Do.             |
|                               |                  | 10          | 17            | 16               | Total 46.       |

I certify that the above is correct.

LUTHER BLAKE.

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

## Enclosure No. 3.

*Number of Indians, men, women, and children, that belong to the McIntosh party, at General Alexander Ware's, Fayette County, 16th August, 1825.*

| Names of Chiefs and Head-men. | Grade of Chiefs. | No. of warriors. | No. of women. | No. of children. | What towns they belong to. |
|-------------------------------|------------------|------------------|---------------|------------------|----------------------------|
| Big Coffee,                   | 4th              | 2                | 2             | -                | Sand Town.                 |
| Elapalar,                     | 4th              | 1                | 2             | 6                | Do.                        |
| Johna,                        | -                | 1                | -             | -                | Do.                        |
| Lucy.                         | -                | -                | 5             | 8                | Do.                        |
| I could not get names for     | -                | 5                | 7             | 18               | Do.                        |
|                               |                  | 9                | 16            | 32               |                            |

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

## Enclosure No. 4.

*Number of Indians, men, women, and children, that belong to the McIntosh party, at Colonel William Wagon's, De Kalb County, 15th August, 1825.*

| Names of Chiefs and heads of families. | Chiefs & their Grade. | No. of men. | No. of women. | No. of children. | What town, &c. |
|--|-----------------------|-------------|---------------|------------------|----------------|
| Cochilemicho,                          | 4th                   | 1           | 1             | 1                | Sand Town.     |
| Centract,                              | 4th                   | 1           | 2             | -                | Do.            |
| Captain John,                          | -                     | 1           | -             | -                | Do.            |
| John Randell,                          | -                     | 1           | -             | -                | Do.            |
| Jack and Geo. Randell,                 | -                     | 2           | 1             | 2                | Do.            |
| Dick,                                  | -                     | 1           | 1             | 3                | Do.            |
| Hogsup,                                | -                     | 1           | 1             | 2                | Do.            |
| Pittopolau,                            | -                     | 1           | 1             | 7                | Do.            |
| Hocastethailo,                         | -                     | 1           | 1             | 4                | Do.            |
| Red Man,                               | -                     | 1           | 1             | 5                | Do.            |
| Lock-o-haigo,                          | -                     | 1           | 1             | -                | Do.            |
| James,                                 | -                     | 1           | -             | -                | Do.            |
| Willey,                                | -                     | 1           | 1             | 9                | Do.            |
| Billey,                                | -                     | 1           | 1             | -                | Do.            |
| Terrapin,                              | -                     | 1           | 1             | 2                | Do.            |
| Cow-a-tin-haijo                        | -                     | 1           | 1             | 3                | Do.            |
| Sarah,                                 | -                     | -           | 1             | 5                | Do.            |
| Stimeligo,                             | -                     | -           | 1             | -                | Do.            |
| Tuskeluska,                            | -                     | 1           | 1             | 3                | Do.            |
| Buck Stargo,                           | -                     | 1           | 1             | 7                | Do.            |
| Susannah,                              | -                     | -           | 1             | 2                | Do.            |
| Nocuskai,                              | -                     | 1           | 1             | 4                | Do.            |
| Polly and Soulds,                      | -                     | 1           | 2             | 2                | Do.            |
| Sam,                                   | -                     | 1           | -             | -                | Do.            |
| Lupcheho,                              | -                     | 1           | -             | -                | Do.            |
|  |                       | 23          | 22            | 66               | Total 111.     |

I certify to the above.

LUTHER BLAKE.

A true copy.

E. G. W. BUTLER, *Aid-de-Camp.*

## Enclosure No. 5.

*Names of persons who have taken corn and other things, belonging to the estate of William McIntosh, late of the Creek nation, as rendered by themselves.*

|                           |   |   |   |    |         |
|---------------------------|---|---|---|----|---------|
| *John and James Richards, | - | - | - | 40 | bushels |
| Russel Gardner,           | - | - | - | 10 | do.     |
| Mark Hudspeth,            | - | - | - | 10 | do.     |
| James Loller,             | - | - | - | 10 | do.     |
| Notley Gilmore,           | - | - | - | 30 | do.     |
| —— Lumkin,                | - | - | - | 12 | do.     |
| —— Hudson,                | - | - | - | 20 | do.     |
| Robert Harper,            | - | - | - | 5  | do.     |
| John McDavis, say         | - | - | - | 10 | do.     |
| Daniel Green, say         | - | - | - | 10 | do.     |

157 bushels.

The two latter we could not see, but were informed by Mr. Hudspeth, that they took corn, though he did know how much. We are also of opinion, that those rendered is much less than they ought to be.

Mr. Vaughn took about the same time, 100 bushels, though we are not able to say whether it belonged to McIntosh or not.

John Beavers took cotton-gin irons.

There was also twelve or fourteen head of cattle drove in, as we were informed, through mistake. Chilly was informed of it, and came and took them into Georgia.

The whole amount of corn, supposing Vaughn's to belong to the estate, and there is but little doubt of it, is two hundred and fifty-seven bushels.

LUTHER BLAKE,  
WILLIAM H. BELL.  
*Lt. 4th Artillery.*

FLINT AGENCY, Sept. 14, 1825.

A true copy.

E. G. W. BUTLER.  
*Aid-de-Camp.*

\* We could not see them, but supposed about forty bushels, more or less.



## Enclosure No. 6.

*A true list of names of persons that are living on the late purchased lands.*

John S. Welch, of De Kalb county, now on the — river; Charles C. P. Welch, on the same river, and two of the Reeds, supposed to be the men that broke Cahawha jail;

Mark Hudspeth, De Kalb county;

Arthur Alexander, do. do.

Littlebury Vaughan, do. do.

—— Bird, do. do. Sand town;

William Wattson, Sand town;

John Lumpkins, Fayette county;

Nathy Gilmore, Sand town;

Henry Thomson, do.

Anderson Sidwell, do.

James Thompson, do.

John McDavis, do.

—— Scott, do.

Imetry, do.

The above given from under my hand the 10th of September, 1825.

WILLIAM O. WAGNON.

DE KALB COUNTY.

A true copy.

E. G. W. BUTLER,  
*Aid-de-Camp.*

## Enclosure No. 7.

*Certificate of William O. Wagon.*

I certify that, on, or about, the 17th May, 1825, I saw a letter written by General Alexander Ware, and directed to the Chiefs of the Sand town Indians, commanding them, with all their Indians, to come over and draw rations at his camp, otherwise they would be considered as hostiles, and reported to the General Government, and that the United States would treat them as hostiles, or words to that effect.

WILLIAM O. WAGNON.

DE KALB COUNTY, *September, 10th, 1825.*

W. H. BELL, Lt. U. S. A.

LUTHER BLAKE.

A true copy.

E. G. W. BUTLER,  
*Aid-de-Camp.*

Enclosure No. 8.

*Certificate of John Kizer and Mark Hudspeth.*

We certify that, on or about, the 17th of May, 1825, we saw a letter, purporting to be written by General Alexander Ware, and directed to the Chiefs of the Sand town Indians, commanding them to come over and draw rations at his camp, otherwise they would be considered as hostiles, and reported to the General Government; and that the United States would treat them as hostiles, or words to that effect.

JOHN KIZER,  
MARK HUDSPETH.

DE KALB COUNTY, GEORGIA,

September 9th, 1825.

WILLIAM H. BELL, Lt. U. S. A.

LUTHER BLAKE.

A true copy.

E. G. W. BUTLER,  
*Aid-de-Camp.*

Enclosure No. 9.

*Certificate of James Black.*

I certify that, on, or about, the 17th May, 1825, I brought a letter from General Alexander Ware, and directed to the Chiefs of the Sand town Indians, commanding them, with all their Indians, to come down to his plantation where the other Indians were, and draw rations, otherwise they would be considered as hostiles, and reported to the General Government, and the United States would treat them as such, or words to that effect.

JAMES BLACK.

FAYETTE COUNTY, Sept. 10th, 1825.

Witnesses:

WILLIAM H. BELL, Lt. U. S. A.

LUTHER BLAKE.

A true copy.

E. G. W. BUTLER,  
*Aid-de-Camp.*

*Governor Troup to Secretary of War.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, October 1st, 1825.*

SIR: The evidence accompanying this, will close the testimony on the part of the State against the Creek Agent, with the exception of that which it is supposed Colonel White, of Florida, may furnish. Respectfully, &c.

G. M. TROUP.

The Hon. SECRETARY OF WAR.

*Testimony of Angus Colquhoun.**GEORGIA, Baldwin County.*

Personally appeared before me, Angus Colquhoun, who, being duly sworn, saith, that, on the last day of March past, he stopt for the night at the Creek Agency, being on his way from Louisiana. The Creek Agency, was then the residence of Henry Crowell, the brother of the Indian Agent. At the supper table, that night, a conversation was held between said Crowell and deponent, concerning the Indian Chief, General McIntosh, in which Crowell stated that McIntosh was a damned tory, and damned traitor to his country. The deponent stated to him that he thought not; that he believed that McIntosh was the best friend both to the Creeks and United States that was among the Indians; and asked Crowell if he considered that the nation was the ally of Great Britain during the war. He said not, but that a majority of the Creeks were in favor of Great Britain; that McIntosh only remained friendly to the United States through fear, and for money, if his principles could be known. Deponent stated to him that action spoke louder than words.

On the next morning, the conversation in relation to McIntosh was resumed, when deponent stated to Crowell that he supposed that a treaty had been effected which would fulfil the compact of the United States with Georgia in relation to the Indian lands. He replied, yes; that damned tory McIntosh has sold his country, and himself along with it; but that the measure of his days were nearly full, and he would be damned if they (using the expression we) did not see to it.

Here the conversation ceased.

**ANGUS COLQUHOUN.**

Sworn to, and subscribed, before me, this 10th day of September, 1825.

H. ALLEN, J. I. C.

*General Ware's Testimony.*

*Interrogatories to be exhibited to Brigadier General Alexander Ware.*

1. Do you know Joseph Marshall, an Indian chief of the Creek nation?

2. Were you at an Indian council in April last, in the Creek nation, at or near the residence of the late General McIntosh? if so, state if you know whether that council gave its consent to the Governor of Georgia to survey the territory lately ceded by the Creeks to the United States for Georgia, or so much thereof as lies within the boundaries of Georgia. State all you know in relation to that consent, if given, and how.

3. If you have ever heard said Marshall say any thing upon the

subject of his consent to make that survey, please to state how, and where, and when he gave it.

WILLIAM H. TORRANCE,  
WM. W. WILLIAMSON,

*Georgia Commissioners.*

**GEORGIA, Fayette County.**

Alexander Ware being duly sworn, true answers to make to interrogatories hereunto annexed, answers as follows :

To the first interrogatory he answers : I have known Joseph Marshall since Floyd's campaign in the Creek nation, but had no conversation with him respecting the permission to survey the late acquired territory.

To the second, he answers : About the 10th or 15th of last April, I was at the house of General William McIntosh, at which place were most of the principal chiefs of my acquaintance, belonging to the friendly party. They met in council, and I learned from McIntosh and others, that they unanimously agreed to let the Governor survey the land as soon as he pleased ; and also that he might publish in the papers that any person who wished to purchase claims, might be permitted to do so, by coming and enrolling their names.

McIntosh asked me if I should have an opportunity of sending a letter to the Governor, and on my replying that I would send it on immediately, he, McIntosh, gave me the letter containing their assent to the survey, and requested me to send it as soon as I could ; and I conversed with several of the chiefs, both before and after the council, and they seemed anxious that the survey should be made, assigning as a reason, that it would bring money into the nation.

To the third, answered in the first.

ALEXANDER WARE.

Sworn to, and subscribed, this 1st day of September, 1823.

WILLIAM PEGG, J. J. C.

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*Testimony of Samuel Dorsey.*

**GEORGIA, Monroe County.**

Personally came before me, C. M. Coody, one of the Justices of the Peace in and for said county, Samuel Dorsey, who, being sworn on the Holy Evangelists of Almighty God, deposeth and saith : That he was at or near one of the plantations of the late Samuel Hawkins, in the month of April last, when a party of Indians, under the command of Hopoithleyoholo, of Tookaubatchee, burnt his house, and destroyed and took off a great quantity of his property. The party afterwards assembled and remained a few days at old Mr. Hawkins', the father of Samuel. While there, this deponent was also there, and had frequent conversations with Poithleyoholo, who informed

this deponent several times, that it was Crowell, the Agent, who had ordered to be done what was done; that McIntosh and the principal chiefs who signed the treaty must be killed, and their property destroyed or taken from them. This deponent was with this party when they were at Mrs. Eliza McIntosh's, on the Tallapoosa, a short distance from Samuel Hawkins' place, when they took and carried away a great deal or all of the property there that was not destroyed. Mrs. McIntosh asked the chiefs who had ordered them to do so; and Poitheyoholo, in the presence and hearing of this deponent and Alexander Reid, stated, that it was Crowell's orders that they must kill McIntosh and the chiefs who signed the treaty, and take away or destroy their property. This deponent understood what he said in Indian in reply to Mrs. McIntosh, and, as soon as he had finished speaking, Mrs. McIntosh interpreted it to this deponent and Mr. Reid; and it was the same as this deponent had understood it himself, and as above stated.

SAMUEL DORSEY.

Sworn to, and subscribed, before me, this 12th September, 1825.

C. M. COODY, J. P.

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*The following explanatory memorandum has been furnished by a gentleman who is well acquainted in the Creek nation.*

General McIntosh's principal residence was on the Chattahoochee, where he had two wives, Susannah and Peggy, one a Creek, the other a Cherokee woman. This is the place where he was murdered. On the Western branch of the Tallapoosa, about 50 miles from Chattahoochee, General McIntosh had a plantation, on which resided another of his wives, named *Eliza*; she was the daughter of Stephen Hawkins, and sister to Samuel and Benjamin Hawkins.

On the Eastern branch of the Tallapoosa Samuel Hawkins had a plantation, (distance from General McIntosh's 24 miles,) where he was taken and confined by the hostile party; at this place resided one of his wives, *Jenny*, the daughter of General McIntosh. On the Western side of the West prong of the Tallapoosa, he had another plantation, where one of his wives lived. This plantation is two miles from General McIntosh's place, where his wife *Eliza* lived.

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*Col. Crowell to Gen. Gaines.*

PRINCETON, October 3d, 1825.

SIR: I attended, a few days since, a Council of Chiefs at Broken Arrow, in company with Col. Chambers and Maj. Donoho, with a view of receiving and adjusting the claims of the McIntosh party, for property taken and destroyed, contrary to law.

The Council appeared willing to comply with their understanding of the agreement made with you, in relation to that subject, which was, to pay for such property as had been taken or destroyed by order of the nation contrary to law.

The claims presented by that party were so very exorbitant, and, in most instances, so wholly inadmissible, both as regards quantity and prices, that I determined to suspend, for the present, any decision upon them, under a conviction that my decision would not meet the views of the claimants. I shall, as early as practicable, after obtaining some additional evidence, report the claims to the War Department, for a final decision. To give you an idea of the exorbitancy of the claims, it is only necessary to inform you that they amounted, exclusive of McIntosh's negroes, to nearly ninety thousand dollars.

The property of the nation would not sell for that sum, exclusive of negroes and land; and, as further proof of the extravagancy of the claims, I have in my possession respectable testimony to show, that the family of McIntosh and others have driven into Georgia large quantities of stock, and sold them; some of them have sold a greater number of cattle than they ever owned in the nation: and the Georgians have driven off a great number of McIntosh's stock, some of which was given to his family, in Georgia; yet all this stock is charged against the nation.

In relation to the ferry at Cowetaw, claimed by the family of McIntosh, the nation has no claim; it is claimed by the Cowetaw town. The subject was investigated in council, and decided in favor of the town. It appeared that McIntosh took possession of it without the consent of the town, in the first instance; and, in order to appease them, he agreed to pay them a certain price annually for the use of it. It is proper to remark, that the Indians do not recognize individual property in land, ferries, or toll bridges, in the nation: it is universally the property of the town, in which the ferry or toll bridge may be. Not viewing the nation as involved in that controversy, and being satisfied in my own mind that the decision of the Chiefs was a correct one, I did not believe it right for me to order it otherwise. In compliance with your instructions, I have made arrangements to have the census taken of the Indians on the ceded land. Capt. Triplett being absent on business connected with our Department, I have appointed Messrs. Blake and Williamson to perform that duty. The difficulty arising from the sparseness of Indian population, connected with many other inconceivable difficulties, I thought it advisable, in order to ensure the completion of that object, to appoint two persons; and, from their known perseverance and integrity, I flatter myself they will be able to accomplish the business in time for your meeting.

I received by this evening's mail, a letter from the Secretary of War, informing me of your intention of renewing your efforts to obtain the acquiescence of the Chiefs to the treaty, and directing me to co-operate with you in effecting that object by a prompt conformity to

such measures as you shall enjoin upon me. Being at all times willing to obey the instructions of my Government, I assure you, Sir, it will give me pleasure to afford you any facilities in my power, in accomplishing the object of your mission.

I have the honor, &c.

JOHN CROWELL,  
*Agent for I. A.*

Maj. Gen. E. P. GAINES,  
*Augusta, Georgia.*

A true copy.

E. G. W. BUTLER,  
*Aid de Camp.*

### JOURNAL OF EVENTS,

*Consequent on an order from the General in Chief to Major General Edmund P. Gaines, dated Washington, May 18, 1825, directing him to repair to Milledgeville, Georgia.*

*May 30th.* The above named order was received at St. Augustine; but an immediate compliance was prevented by a violent storm.

*June 5th.* Sailed for Charleston in the sloop William; 9th, departed from Charleston, and arrived at Milledgeville on the morning of the 13th.

*June 13th.* Received from Major Andrews, United States' Special Agent, the communications from the Department of War, of the 18th and 20th May, containing instructions in relation to the Creek Indians. General Gaines and myself called on Governor Troup at the State House, at 11 o'clock; dined with him at 1 o'clock, and, in the afternoon, the General received from him the communications marked A and B, with certain letters respecting indications of hostility on the frontier of Georgia, and a copy of his orders to Captain James Harrison; the receipt of which was acknowledged in the communication marked C.

*June 13th.* Among other instructions from the Department of War, General Gaines was directed to receive from the United States' Commissioners, Colonel D. G. Campbell and Major J. Meriwether, the \$200,000 placed in their hands for disbursement among the Creek Indians, agreeably to the 5th article of the treaty, concluded at the Indian Spring, on the 12th February, 1825, the better to enable him to reconcile the two parties; and having learned that it was their intention to distribute this money amongst McIntosh's party, at the Indian Spring, on the 15th June, contrary to the 2d article of the treaty, I was despatched on the next day to the Indian Spring.

*June 14th.* I left Milledgeville at an early hour, with orders, D, to reach the Spring by noon on the following day, to receive the money from the Commissioners, and to provide for the subsistence of the Indians.

General Gaines addressed the letter of instructions, E, to Captain Harrison; the communication marked F, to Governor Troup, in reply to his letter of the day before, and received that marked G.

June 15th. Reached the Indian Spring at 9 o'clock, A. M. and learned, from a letter, handed to me by Chilly McIntosh, and addressed by Colonel Campbell to Mr. Joel Baley, that the Commissioners would visit the Spring between the 15th and 19th, for the purpose of disbursing the "remainder" of the money in their hands.

I then called on the family of the late General William McIntosh, and found them comfortably situated.

After breakfast, Chilly McIntosh brought his warriors, twenty-five in number, to see me. I stated to them the nature of my instructions from Major General Gaines, and explained to them the object of the President in directing the retention of their money. They expressed their perfect acquiescence in every thing I said to them, and left me with evident satisfaction.

Young McIntosh then invited me to walk with him to the Spring; and, during our walk, I repeated to him what I had said to the Indians; in the propriety and policy of which, he concurred with me. (General Gaines received Governor's Troup's communication, H.)

June 16th. He came several times to my quarters; conversed freely on the difficulties of his Nation, and was cheerful and communicative.

Joseph Marshall arrived this day, and brought his warriors immediately to see me. I repeated to them what I had said to the other Indians, and they expressed equal satisfaction.

General Gaines transmitted to Governor Troup the communication marked I, and then departed for the Indian Springs.

June 17th. Indians continue to come in. and General Gaines arrived at the Spring in the evening, from Milledgeville, contrary to expectation; and the Indians were disappointed in their plan of meeting him at the Okemulgee river, and escorting him in.

June 18th. Employed in contracting for supplies of provisions with Messrs. Ware, Brodnax, Dobbs, and Baley.

June 19th. Engaged in official correspondence, and in examining the vouchers of the above named gentlemen, for issues made by order of Governor Troup.

General Gaines received from the Indians, through their committee, the communication marked K.

June 20th. General Gaines met the Indians, in Council, at 11 o'clock, and delivered to them the talk marked L, which was interpreted by Joseph Marshall. They asked until the next day to prepare their reply, and their request was granted.

During the session of the Council, Messrs. Jourdan, Torrance, and Williamson, Commissioners, appointed under the Legislature of Georgia, "to examine into the causes of the recent disturbances in the Creek Nation, and, more particularly, with the conduct of the Agent connected with them," arrived from Milledgeville, and submitted to General Gaines, through Mr. Joel Baley, Governor Troup's communications of the 16th and 18th of June, marked M, and N. After the



General left the Council; he received from the above named Commissioners the communication marked O, with Governor Troup's letter of instructions, marked P.

*June 21st.* General Gaines addressed to the Georgia Commissioners the communication marked Q, in reply to their's of the day before, and received their protest, marked R.

The paper marked S, said to contain an Indian talk, was submitted to Major General Gaines this day. This reply was written by McMartin, a young lawyer, and was evidently dictated by some white man, inimical to the best interests of his country. This impression was communicated to Marshall and McIntosh by Major Gen. Gaines, and they did not attempt to remove it, though they refused to withdraw the paper. The style and tone of this production, together with the uncommon reserve of Marshall and McIntosh, and their great depression during the two preceding days, induced the belief that they had sacrificed the interests of their unhappy followers at the shrine of some base political intriguer's unholy ambition; and that belief was strengthened, if not confirmed, on the following day.

In the afternoon, General Gaines prepared the reply to Governor Troup's communication, of the 18th, marked T.

*June 22d.* The Georgia Commissioners departed for the Broken Arrow at an early hour this morning. I followed them at 11 o'clock; and, when preparing to start, McMartin requested a private interview, and informed me that General Gaines had just sent for him to his room, and charged him with an improper interference in the affairs of the Indians, in having dictated their reply to his address. He stated, moreover, that the accusation was so unexpected as to deprive him of the power of making the proper explanation; and declared, upon his honor, that he wrote nothing but what was communicated to him by the Chiefs. He, however, expressed the belief that they had obtained their ideas from white men, as they were in Council all night, and sent for him at 2 o'clock in the morning to officiate as their clerk; having dismissed Brodnax, and rejected the reply which he copied for them. Mr. Brodnax says it was a becoming reply, and that they were once satisfied with it. He also gave a strong reason for suspecting that its rejection was attributable to the improper interference of a person whose peculiar situation should have prevented such interference.

General Gaines, being occupied with official duties, left the Spring at a late hour, accompanied by Benjamin Hawkins, brother of Col. Hawkins, who was a fellow-sufferer of his father-in-law, General McIntosh. Hawkins was brought by General Gaines as the Interpreter and representative of his party, and with a view of convincing them of the absence of every thing like danger amongst those deemed to be their enemies.

He passed through a rich and variegated country, between the Flint and Chatahoochie, and reached the Creek Agency, near the Broken Arrow, on the 25th of June.

All persons whom we conversed with on our route, even females, ridiculed the idea of danger from the Indians.

June 25. Major Andrews, United States' Special Agent, arrived this morning, from the old Agency, to collect testimony in the case of the Agent for Indian Affairs, who had been suspended in the discharge of his official duties, until he could vindicate his conduct, before the President of the United States, against charges preferred by the Governor of Georgia.

Having been informed by Mr. Thomas Triplett, Acting Agent for Indian Affairs, that the Council would not assemble this day, owing to the absence of certain Chiefs, General Gaines desired him to send for the Little Prince, head Chief of the Creek Nation. When he arrived, the General stated to him, in presence of three of the Georgia Commissioners, and many other citizens, that he had been sent, by the President of the United States, to inquire into the difficulties of his nation, and that he had seen the other party at the Indian Spring, and had brought Benjamin Hawkins to listen to their talk, and carry it to his friends. He stated, also, that the Agent had been suspended, and the Deputy Agent directed to discharge his duties; moreover, that there were accusations against the United States' Interpreter, who would, therefore, be attended by Hawkins, although he still enjoyed the confidence of the General Government.

General Gaines then enjoined it on the Little Prince to be peaceable and kind to all white persons; to prohibit his warriors from approaching the white settlements and holding talks with any white person but himself. He, finally, explained to the Georgia Commissioners his reasons for declining their co-operation, and notified the Little Prince that he would meet the Council when notified to that effect.

This afternoon, General Gaines received from the Georgia Commissioners the communication marked U, requesting admission to the Council at Broken Arrow; also, Governor Troup's message, with accompanying documents.

June 26. A communication marked V, was received from the Commissioners of Georgia, announcing the arrival of an express from the Governor, and requesting an answer to their letter of the day before, which was accordingly submitted to them in the paper marked W.

The letter marked X, was received to-day, from the United States' Commissioners, under the 5th article of the Treaty, concluded at the Indian Spring, on the 12th February, 1825.

June 27. General Gaines was notified, this morning, that the continued absence of certain Chiefs prevented the Council from proceeding to business.

June 28. Major General Gaines was officially notified this morning; that the Council was ready to proceed to business. He entered the Council Square at 12 o'clock, where more than seven hundred headmen and chiefs, and about twelve hundred warriors, were assembled, under the white flag. The General was conducted to an audience place, where many gentlemen were seated; and, after a short address from Yoholo Mico, the principal Chiefs advanced and gave

their hands with evident satisfaction. The Mad Tiger then presented the pipe of peace ; after which the General took his seat in the Council, and read the paper marked Y.

*Hopothleyeohola, Speaker of the Nation.*—"You have only given the first of your talk ; when you give us all, we can reply to it."

*General Gaines.*—"The remainder of my talk depends on the tenor of your reply. I ask if hostilities are to continue ? I wish to know every thing. I come not to buy land, but to inquire into your diffculties, and to do justice to all."

*Hopothleyeohola and Little Prince.*—"Both parties must be present to get the truth."

*General Gaines.*—"I have heard one party, and when I hear you, I can decide who is in fault."

*Hopothleyeohola.*—"We are glad that you have come to get the truth. We view you as the representative of our Great Father ; our Nation is in Council, and we will tell you no lies. The Muskogee Nation has long had its Council. This Council made laws, and we did not think so soon to have to enforce them. We do not think we are to blame : the Muskogees formerly had much land, but have ceded it nearly all. We had a talk with the Great Warrior Jackson in 1814. We well recollect his talks ; they are engraven on our memories. He told us our Great Father, the President, would guarantee our land that remained. We have never forgot his promise. After that, we re-enacted laws on the bank of the Okemulgee river, and appointed persons to execute them. These laws have been confirmed in the Great Square, by a Council of all the Chiefs, to continue in effect under all future Chiefs. They have been put on paper, but some persons have run too fast for them.

"The Georgia Commissioners came, and we received them, as we have received you. They asked for land, and we told them we had no land to sell ; that we had ceded all we could spare. When we commenced treating with the Commissioners, our communications were in writing ; but when they despaired of success, they changed to verbal communications. The Commissioners told us our talks were white talks ; and they placed spies over our Agent and Interpreter, to prevent us from getting advice.

"The Muskogee Nation always treat in open Council, but the Commissioners treat at night and in the bushes. Whilst the Chiefs were in the Council, they went to the Upper Ferry to hold private talks.

"When the Council was ready for business, we had to send to the Ferry for the Commissioners.

"They arrived and held private talks ; saying they would do no business in Council.

"After several private meetings, they said they were going away, but would return in three months. We told them we should be happy to see them as friends. The day they were to depart, the Chiefs assembled in the square, to take leave of them : when lo ! they had gone. When assembled at Tuckabatchee, we received too short a notice to

meet at the Mineral Spring ; and, when there, we were not allowed a free intercourse with our Agent or Interpreter. We refused to sell our land : for none of our head chiefs were there. McIntosh was not a head Chief : he acknowledged to Col. Crowell that he never would do any thing without the consent of the Chiefs.

" I knew the consequences of those at the Springs ceding land, and I ordered them off.

" During our general annual meeting, the Agent returned from Washington. We then learned that the first instalment was due. We refused to receive it, for we did not consider our laws a joke.

" McIntosh was notified to attend this meeting, and he refused. He made the laws, and said they were binding on all—even Little Prince or Big Warrior, or any others. This refusal called for the execution of the law.

" Another law had been passed to send people from one town to another, to enforce this law, where the inhabitants thereof could not enforce it ; and to destroy property. This law only extends to the heads of towns.

" The Chiefs merely executed the law ; and McIntosh's friends have nothing more to fear. They know the law, and that they had or have nothing to fear. We hear that the Agent ordered us to kill McIntosh. He did not. He advised us to go and receive our money from the Commissioners, and told us that he got it to be equally divided. We would not receive money for the land in which our friends and fathers are buried. We told the Agent it was useless to advise us, as the receipt of the money would deprive us of our land, from which we would never part. Our children have scarcely land enough to settle on. We love our land—it is our mother—and we did not think that any one would take it from us, if we did not wish to part from it.

" If they take our land and knock us on the head, we cant help it. We will make no resistance, but, even then, extend the hand of friendship.

" Thus will one whole nation act, and let the world see and hear of it."

*General Gaines.*—" You have explained clearly."

*Little Prince.*—" Hopoithleyeohola has told the truth ; he has spoken the language of the Council."

*General Gaines.*—" I will now be able to give the President the sense of the Council."

*Little Prince.*—" I have a few words to say, which may be spun out into a long talk."

" Why did you not bring more of McIntosh's party besides Hawkins ? You are appointed to settle our differences, and had better have brought more of the other party to the Square.

" They have no Chiefs at the Indian Spring. I am their Chief and Speaker, and have all my chiefs around me. If their head men had come here, they are my townsmen, and I should have known how to speak to them.

"When any business is to be done at a distance, I send, as the President has sent you. You have had a long and tiresome journey.

"Four times I have sent my Chiefs to our Father, the President; and they got young white men to write for them. There are two Creek Chiefs of equal grade. They were not at the Treaty; and, if the truth had been told, you would have been saved your journey. Indians and Georgians tell a great many stories. I have no desire or intention to hurt them or any one. Hopoithleyechola has explained that it was a *strong law*! It is executed, and we are done. We have not the most distant idea of injuring any one. The offenders have been punished, and we will not permit the other party to be molested.

"I have explained the law. The white People have laws and execute them. I am surprised at the interference of Georgia. It was an Indian law, and not a law of Georgia."

*General Gaines.*—"I will begin where the Little Prince closed his remarks. The State of Georgia is one of the United States. The President's duties, therefore, extend to the People of Georgia, and he is bound to take measures for their protection.

"He is the President, not of a part, but of all the United States. These States have separate Governments of their own: but, for the purposes of protection and defence, he is at the head of them all, as one Government. It is very natural that the Government and People of Georgia should feel the interest they did, when so great a number of their red neighbors were passing the frontier into their settlements. It was proper that Georgia should look about her, and take care of her frontier People, until the President could be notified, and could take measures for their protection.

"Reports reached Georgia that your chiefs and warriors were hostile; and would pursue the retreating Indians, and disturb the peace of their white friends.

"I am glad that these reports were without foundation. I did not know but that I would find my old red friends in arms against me. I am glad to meet them as friends.

"Joseph Marshall, and several of his head men, were anxious to come with me; but I would not permit them to come until I could see you and hear your talks, and know your intentions and wishes.

"I have ordered some of my troops from Pensacola. They are coming to keep the peace. All that the President wishes is, to do you justice, and not to take your land without your consent. But, the treaty is made; and the Commissioners told him it was properly made. He will be sorry to learn that you think an advantage has been taken of you: for he did not authorize it. He directs me to say that your money will be ready for you, so soon as your difficulties are settled. If you have any complaints to lay before the President, he will be happy to see you in Washington, next Winter; and he will do all that he can for you.

"The Commissioners were authorized by him to treat at the Indian Spring; and he has been informed that you refused to receive the money.

"I advise you to receive the money, because the treaty cannot be revoked. I wish you to reflect. I speak to you as your friend, and would rather lose my head, than deceive you. I repeat, that the President, trusting in the fidelity of his Commissioners, accepted the treaty; it has been ratified, and *cannot be revoked*."

"The white People thought McIntosh a good man, and a friend to his nation, and were grieved to learn his death. I will inform the President that you say he violated the laws of his nation, which he made. We are sorry, but the laws must be obeyed. The treaty is a law, and no white man can break it."

"I wish you to reflect seriously on what I have said; and to inform me to-morrow, if you will accept the money, and send a deputation to Washington."

June 29. When the Council was ready to proceed to business, Hopoithleycohola, (Speaker) presented to General Gaines a paper Z, prepared by John Ridge, a young Cherokee, containing their reply to the General's communications of yesterday.

General Gaines.—"I consider this to be a subject of great importance; and, before I receive this as your reply, it must be read and confirmed in my presence."

I here read the paper by paragraphs; it was interpreted by Wm. Hambly, United States' Interpreter, in presence of three Interpreters, Benjamin Hawkins, Charles Cornells, and Wm. McGilvery, and acknowledged, separately, by each chief who signed it, as the sense of the Council.

Hopoethleycohola.—"It is the talk of the Chiefs. They dictated it; and it was penned. They then had it read and corrected, and it is now read once more."

General Gaines.—"I wish you again to take this paper, and reflect on it. I repeat once more, the treaty *cannot be revoked*. It is as lasting as the land. We have never broken treaties with a foreign Government. Violence alone can change a treaty. Your reasoning is applicable to every thing but treaties; but, if your objections had preceded the treaty, it would not have been ratified. I will retain the paper a few days for your reconsideration."

They pronounced it their final answer, and General Gaines then presented the paper No. 1.

June 30th.—Hopoethleycohola—"We have reflected in Council on the paper you presented to us yesterday; and we now submit it as our reply."

General Gaines.—"I did not intend to insist on the paper which I gave you, as a form. The reply is such as I expected, save this clause: 'The property taken from McIntosh and Hawkins, shall not be questioned.'"

"I wish you to introduce after the word Hawkins, the words according to law. Should the other party then deny that any of their property was taken under the law, the difficulty may be settled."

"You are accountable for the property not taken according to your laws; and you should do them that justice which you would wish them to do you."

"The Agent is deemed to be the proper person to decide on your claims, when they are laid before him and explained. You have complained to the Government that injustice has been done to you. The other party now make the same complaint to you."

*Hopithleyehola*.—"Your remarks are just. They urge their claims at a distance; why do they not urge them here? This is what the Little Prince remarked the other day. We do not wish to do injustice to any one; and will, therefore, submit our disputes about the property to a disinterested person."

*General Gaines*.—"I do not know that you have done an injustice, and I wish you to have an opportunity to prove it. I am ordered to settle your disputes, and I wish to do so on just principles." [Chiefs here refused to meet the Commissioners out of Council.]

They now consented to make the corrections which Gen. Gaines required; to submit all cases arising under the clause thus inserted, to the decision of the Agent; and to make good all losses sustained by the destruction of property, contrary to the law.

*Hopithleyehola*.—"We now wish to go home to our crops. We have nothing to eat here but meat and water."

*Gen. Gaines*.—"I am sorry there is no corn in the nation."

I here read the Little Prince's letter to Chilly McIntosh, of the 4th of March, 1825; and he denied the expression "and all of you." Various questions were then put to the Council by General Gaines, at the instance of the United States' Special Agent, which will be found with the answers in the Agent's report.

*July 1st.*—*Hopithleyehola*.—"We promised, yesterday, to submit our disputes to the Agent, or some other person. We have reflected, and now recall that promise."

"The Muscogee nation has laws, and this would place them in the hands of strangers. The Agent knows that all disputes are decided in Council, and left to the chiefs. If the other party feel themselves aggrieved by the execution of the laws, let them submit their grievances to the Council. We have made some corrections, but do not think we can make any more."

He then submitted the paper.

General Gaines, this date, addressed Governor Troup the letter numbered 2.

*General Gaines*.—"This does not accord with my views of justice. There are now two distinct parties, and an umpire is necessary."

*Hopithleyehola*.—"The other party has friends and relations here, who will do them justice. We cannot make any further corrections."

*General Gaines*.—"I then propose, that when any difficulties arise from the late destruction of property, each party may appoint one person to argue the case before the Agent; and if they cannot agree, they will select a third person, or authorize the Secretary of War to make the selection. Something of this nature must be adopted."

*Hopithleyehola*. The other party have no such difficulties to apprehend here. We do not think it right to appoint persons to decide our laws. It will be like tying our hands."

General Gaines here cited the case of the United States and Great Britain, where Russia was an umpire.

*Hopothleyeohola.*—"We are sorry they were not brought here to settle their claims. We fear you suspect us of injustice."

*General Gaines.*—"I do not doubt your intention to do justice; but I wish some pledge from you in writing."

*Hopothleyeohola.*—"There will be no difficulties in settling our affairs. If we do not do justice, the President can reprove us when we go to Washington. We pledge ourselves to do justice when they come, though you heard reports in Georgia to the contrary."

*Gen. Gaines.*—"I wish something authentic; and I am now under the necessity of communicating to you an important fact, viz: Mr. McIntosh's friends claim chief for chief—blood for blood. You say that McIntosh and others died by the law. If, therefore, you will comply with my wishes, I hope to convince them that you are right, and to render them satisfied with their just claims. They say that you killed McIntosh because he was friendly to the United States. You are, consequently, at issue, and I am sent to decide between you. I should be grieved to see my red friends at war. The white People would find it difficult to distinguish their friends from their enemies, and you might all be killed. I have reported that I could settle your difficulties; and I am afraid the People will say, I have reposed too much confidence in you. You have no cause to doubt my friendship. I require nothing but justice, and that you *must* do. The white People know that I am the Indian's friend; and, if you don't do right, after all that I have told them, you will deceive me."

"You say that you will do justice, and I sent your promise to the President yesterday. If you now withdraw that promise, I shall take leave of you."

*Hopothleyeohola.*—"We will take the paper and reflect on it once more. We hope the Council will not be divided by one objection."

*Gen. Gaines.*—"I have received a letter from the Commissioners of Georgia, respecting their wish to examine a few of the chiefs, on matters connected with the Agent's conduct."

*Hopothleyeohola.*—"The plan pursued by the Georgians of taking the Indians out of their Square, has caused all of our troubles, and brought you here. We cannot meet the Commissioners out of the Council; private meetings, where persons do not adhere to the truth, make difficulties, and have brought you here. We do not know what more to say to the Commissioners. They have learned our difficulties from Mr. Compere. We thought that our business was with you, as the President wants information. Our present difficulties were caused by the Georgians; and, as you are about to terminate them, we think it best to have no private talks."

"They might prevent your success, and give you the trouble of coming to us again."

"Georgia intriguers have brought us from our crops which are to feed our little children; and Georgia and the Muscogee nation are like two little children that quarrel: and if one is stronger than the other,



he puts him in the wrong by telling lies on him, and then gets him whipped for it."

*General Gaines.*—"There are good People in Georgia as in all other States."

*Hopothleycohola.*—"That is very true; and I suppose the Master of Breath has decreed that the Muscogee nation shall be reduced and imposed on. That time is now arrived, and I presume it must happen."

*General Gaines.*—"I have sent to Alabama for Spok-oak-hajo, and his friends: I wish all the Indians to come home."

*Mad Wolf.*—"We sent for them; they all came home, and have gone on a hunting party."

*General Gaines.*—"When the paper is corrected, I wish to see you, and we will then part friends."

*Hopothleycohola.*—"If we do not bring it to you this evening, we wish you to come to the Square early in the morning."

This afternoon the Georgia Commissioners stated that they had received from Gov. Troup instructions to notify the Council, that he had been authorized by the President to commence the survey of the land acquired by the late treaty. A copy of these instructions was particularly read by Col. Jourdan to General Gaines.

The General then declared to the Commissioners, in the most solemn manner, that the extract from the Chief Clerk's letter, so far from containing authority from the President to survey the land, positively prohibited it.

He stated to them that he had been instructed by the President to assure the Indians that their land would not be surveyed, until the time specified in the treaty; and that, until those instructions were countermanded, he could not permit any interference on their part.

*July 2d. Hopothleycohola.*—"We did not distinctly understand your wishes yesterday. We now present you the paper in its corrected form."

*General Gaines.*—"As we have had so much talk about it, I will receive it, and make it acceptable to the other party if possible: and I once more enjoin it on you to be peaceable and kind to the white people, and the other party."

"I wish you to give out a talk to that effect immediately. We must not have war or further bloodshed; they are ruinous to the happiness and peace of your nation."

"I shall send all that you have said to me to the President, as the talk of the Muscogee nation."

"I leave with you my best wishes for your happiness, and hope that we shall meet as we part, friends."

Colonel Jourdan, one of the Georgia Commissioners, rose from his seat, (notwithstanding he had been repeatedly informed by General Gaines that he could not be allowed to act before the council in his official capacity,) and expressed his wish to make known his instructions to the council.

General Gaines replied to Colonel Jourdan, that, if he did thus

force his instructions on the council, he would compel him to make known his instructions from the President, in which he was authorized to say to the Indians that their land would not be surveyed before the time of delivery mentioned in the treaty ; but which he had withheld through courtesy to Governor Troup. Colonel Jourdan then asked, emphatically, if he could be allowed to communicate his instructions. General Gaines reminded him of the promise of the Governor and himself, not to interfere with his duties ; and informed him that he could not be permitted to communicate his instructions to the council. Mr. Richards, of Florida, then requested Gen. Gaines to submit his claim for certain negroes taken by the Indians ; the General requested the council to investigate his claims, and do him justice. The Little Prince here explained, that the negroes originally belonged to the hostile Indians, and were confiscated under the laws of the nation ; that Mr. Richards carried off the negroes and sold them : after which McIntosh seized them and sold them, and placed the money in the treasury.

All business being now completed, Yeholi-mico addressed the Indians in a long and eloquent discourse, in which he reviewed all the proceedings of the council. Two of the principal chiefs of each town, amounting to one hundred and fourteen, then advanced and shook hands with General Gaines. The head chiefs notified the General of their intention to call on him at his quarters, and we left the council square.

*July 3d.* I received from the Georgia Commissioners the communication numbered 3, and addressed them the one numbered 4.

*July 4th.* General Gaines received the communication numbered 5, from the Georgia Commissioners, and I replied to them in the letter letter numbered 6.

Benjamin Hawkins was, this day, despatched to Marshall's Ferry, on Flint river, with the communication marked 7, requesting the McIntosh party to assemble at that place on the 9th instant.

*July 7th.* General Gaines and myself left the Agency, and proceeded to the residence of Mr. Portess, near Marshall's Ferry, which we reached on the evening of the 8th.

*July 9th.* This morning General Gaines met the McIntosh party in council, excepting Chilly McIntosh, and a few others, who were prevented from attending by a letter written by *William Bowen*, (he says at the request of Marshall,) and signed by Marshall, in presence of two of the Commissioners of Georgia. The council assembled under a tree, and General Gaines addressed them in presence of a large concourse of People, citizens of Georgia, in nearly the following words : " When last I saw you, I informed you of the object of my visit among you ; I have since had long talks with the council at Broken Arrow. My trade is war, but I have been trying to make peace : for the President has seen no necessity for war, and there must be none. I inquired into the causes of your difference, and learned them ; I also inquired if McIntosh and others were killed because they were our friends, and informed them that you demanded ' blood for blood ; ' they replied, that they were killed

for breaking the law, and betraying the interests of their nation, and produced evidence to prove the correctness of their assertions.

“If McIntosh died under the law, the President will not interfere; neither will he permit more blood to be spilt. Indians have laws, and they should be justly executed. The other party promised every thing but blood; they promise to receive you as brothers, and to pay you for all your property taken or destroyed, contrary to law; and the commanding officer in the nation shall make them comply with their promises. I now wish to know if you accept these terms? Some mischief-makers say you want war, but I wish to convince the President to the contrary. I have suffered much to make you happy, and I advise you to accept these propositions. Time will convince you that the President is your *best friend*; and, were he here, he would give you the same advice. There are white men who advise you to go to war; if you do, it will cause your ruin; and they wish your ruin, and hate me, because I am your friend.

“The national council disown the treaty, and refuse to receive any part of the \$200,000. When you go the nation, and afford evidence of your disposition to comply with the wishes of the President, he will settle every thing, and you shall not be losers. I speak as your friend, and I will not deceive you.”

The Indians here requested to be allowed time to put their reply on paper, and General Gaines granted it, and retired. In a short time he appeared again before the council, and Colonel Brodnax, acting as Secretary, read the paper marked 8, in presence of many citizens; it was interpreted by Joseph Marshall, the head chief of the McIntosh party, approved by all, and signed by the principal chiefs.

Joseph Marshall then remarked, that the United States' Commissioners had distributed amongst them the surplus of the fund appropriated for rations; and assured them that they were authorized by the President to say, that, if they would sign the treaty, he would send troops to protect them. He further declared, that the McIntosh party never consented to the survey of their land, which was reiterated by several of the chiefs; and then observed, that he did not believe General McIntosh ever gave his consent: appealing to Mr. William Edwards, who was standing among many gentlemen, and who there publicly avowed what he a few moments afterwards certified to, viz: “That he and Joseph Marshall accompanied the express from Governor Troup to General McIntosh, conveying the request that he would allow the survey of the land acquired by the treaty at the Indian Spring, to be immediately commenced; and that General McIntosh replied that he could not grant the request, but would call the chiefs together, and lay it before them; which was never done.

This afternoon General Gaines took leave of the Indians, who promised to return to the nation so soon as the United States' troops arrived; and we departed for the Agency, (July 10,) on Flint river, where we arrived the following evening, and found Governor Troup's letter of the 4th July, marked 9, to which General Gaines replied in No. 10.

*July 13.* After forwarding an order to Capt. T. Harrison, of the Georgia cavalry, for the disbandment of his troop, General Gaines, accompanied by Major Andrews, Captain Triplett, and myself, departed (*July 14*) for the Indian Spring; where we arrived early the next day, and I received from Chilly McIntosh the letter signed by Marshall, in justification of his (McIntosh's) absence from the Council. After dinner, General Gaines and myself proceeded to Monticello.

*July 16.* General Gaines returned to the Indian Spring; and, finding that white men were trying to thwart his plans, by an improper interference with the Indians at that place, he remained there until the 16th August.

*July 17.* I received an order from the General to repair to the residence of the United States' Commissioners, and received from them the \$ 200,000, placed in their hands as the first instalment under the late treaty; and, after placing it in the Branch Bank of the United States at Savannah, to await orders at Augusta.

*July 20.* I arrived at Washington, Georgia, and finding Col. Campbell unprepared to make the transfer, we appointed the 5th of August, for the transfer to take place at Augusta.

*August 8.* Col. Campbell arrived in Augusta.

*August 9.* I addressed the Colonel the communication, numbered 11, and received from him that marked 12; after which he transferred to me the remainder of the first instalment under the treaty at the Indian Spring, which had been placed in his hands for disbursement; and, in consequence of the nature of the deposite in the Augusta Bank, I was induced to renew it until further instructions could be received from General Gaines.

*August 25.* General Gaines arrived in Milledgeville from the West, and I joined him on the 27th.

*Sept. 8.* Received from Maj. Brodnax the certificates, No. 13 and 14, as evidence of Gen. McIntosh's acknowledgment of the existence of the law under which he was executed.

*Sept. 14.* General Gaines and myself left Milledgeville, and reached Augusta the following day.

*Sept. 18.* Received from Lieutenant Bell, of the United States Artillery, the certificates, numbered 15, 16, and 17, convicting Gen. Alexander Ware of having ordered the chiefs of the Sand Town Indians to repair with those Indians to his plantation for the purpose of drawing rations. This gentleman was one of the contractors for supplying the Indians of the McIntosh party with rations; and, notwithstanding he is honored with the commission of a Brigadier General under the State of Georgia, and had been intrusted with its frontier defence, he has thus used *threats* to draw the Indians from their nation, contrary to the wishes of the General Government, and in opposition to the efforts of General Gaines.

Whether General Ware was influenced by the desire of thus enriching himself at the expense of the General Government, or of preventing a pacific adjustment of Indian difficulties, it is yet to be ascertained.

## DOCUMENTS REFERRED TO IN THE JOURNAL.

## A.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, 13th June, 1825.*

SIR : In the course of the desultory and informal communication with you of to-day, my desire was intimated that the line between this State and Alabama should be run as early as possible, and I requested the favor of you to make known to your Government this desire, and without delay. A letter will be immediately despatched to the Governor of Alabama, to apprise him of the resolution of the Government of Georgia to run that line, and to ask his consent and co-operation.

If that consent and co-operation be refused, we proceed to run the line without them, as we will also proceed, in due time, to make the survey of the land within our limits, disregarding any obstacles which may be opposed to that survey from any quarter.

You will see, therefore, how highly important it is, that upon these points the two Governments should understand each other immediately.

With great respect and consideration,

G. M. TROUP.

Maj. Gen. GAINES.

## B.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 13th June, 1825.*

SIR : As you wished, the copy of my instructions to Capt. Harrison is enclosed ; and any information received from that officer will be communicated without delay.

With great consideration, &c.

G. M. TROUP.

Maj. Gen. GAINES.

## C.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEP'T,

*Georgia, June 13, 1825.*

SIR : I have the honor to acknowledge the receipt of the correspondence, referred to in your Excellency's verbal communication of this morning, representing the indications of hostility recently mani-

tested by the Indians on the Western frontier of this State, together with your instructions to Captain Harrison, of the 10th of the present month. Of the last mentioned paper (which is returned herewith) I have to request the favor of a copy, with the earliest information of the Captain's report, touching the execution of the important duty assigned to him. \* \* \* \* \*

E. P. GAINES,  
*Maj. Gen. Com.*

To Gov. TROUP.

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D.

*General Gaines to Messrs. Campbell and Meriwether.*

HEAD QUARTERS, EASTERN DEP'T,  
*Milledgeville, Georgia, 14th June, 1825.*

GENTLEMEN: By a letter of instruction, which I have received from the Secretary of War, bearing date the 18th of May, 1825, I am advised that, according to the provisions of the late treaty, the sum of \$ 200,000 has been placed in your hands to disburse among the chiefs of the Creek nation: that it has been deemed proper to withhold from them that sum, pending a conference which I am authorized to hold with them, (in the latter part of the present month,) as an instrument in my hands in restoring peace between the opposing parties, and securing their co-operation in the execution of the late treaty; and that you have been requested to hold the money to my order. I have, therefore, to request that you will be pleased to pay the abovementioned \$ 200,000 to my Aid-de-camp, Lieut. E. G. W. Butler, who is instructed to receipt to you for the same.

With perfect respect,

Your obedient servant,

EDMUND P. GAINES.

*Maj. Gen. Com.*

To Col. D. G. CAMPBELL,  
Maj. J. MERIWETHER,  
*U. S. Commissioners.*

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E.

*General Gaines to Captain Harrison.*

HEAD QUARTERS, EASTERN DEP'T,  
*Georgia, June 14, 1825.*

SIR: I have just now learned from Governor Troup, that the important duty of reconnoitring the frontier, and protecting the slender settlements of Early and the adjacent county, has been confided to you.

I avail myself of this occasion to advise you of the probability of my being able, in the course of a few days, to settle, amicably, the differences that exist with the Indians, and to ensure the safety of the frontier. I wish to receive your report, with the muster roll of your company, at Macon, where I expect to be in the course of a few days.

In the mean time, I have to suggest to you the propriety of keeping your company together within the frontier settlements, and avoiding hostile measures.

I place much reliance in your discretion and circumspection in the discharge of the important duty assigned to you.

With respect, &c.

EDMUND P. GAINES,  
*Maj. Gen. Com.*

To Capt. JAMES HARRISON,  
*Commanding volunteer cavalry, &c.*

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F.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPT.,

*Milledgeville, Geo. June 14, 1825.*

SIR : In reply to your Excellency's letter of yesterday's date, I have to observe, that, although it is not my province to enter into the discussion of any matters of controversy between the Government of Georgia and that of the United States, not immediately connected with the duties confided to me; yet, perceiving as I do, on this occasion, a direct collision between the views of your Excellency and those embraced in my instructions from the Department of War—a collision that may tend to produce much embarrassment in our Indian relations, and which the interests of the General and State Governments equally require should be obviated—I deem it proper to address you upon the subject, in a manner less liable to misconception or misconstruction than that employed in our late interviews. Your letter, which I shall refer to the Department of War, announces your intention, at an early period, to cause the line to be run between this State and Alabama, and to survey the lands within the late ceded territory. Upon the last mentioned subject, I am distinctly authorized to say to the Indians that the President of the United States has “suggested to Governor Troup the necessity of his abstaining from entering into, and surveying, the ceded land till the time prescribed by the treaty for their removal.”

There is, perhaps, no principle of national law better established, or more universally admitted, than that the contracting parties to a treaty possess the right, and, in a case like the one in question, the exclusive right, of expounding and carrying into effect such treaty.

The decision of the President, in this case, must govern me in my intended conference with the Indians; and this conference must neces-

sarily take place before the subject can be submitted to the President ; nor is it probable, if it were again submitted, that it would undergo any change.

I cannot, therefore, but express a confident hope that your Excellency may see the propriety of abstaining from the proposed surveys, both of the boundary line and of the land within the late ceded territory, until the period arrives at which the removal of the Indians is required. In the expression of this hope, I am actuated by no other feeling than that of an earnest desire to devote my best efforts towards an amicable adjustment of existing differences with the Indians upon just principles—regarding the interests of the *State* as in all respects the same as the interests of the Union or *General Government*. They are, in fact, the same as different parts of one great animated body, through which the vital principle of life must circulate with equal freedom, affording equal health and vigor to each, as essential to the preservation and efficiency of the whole body.

With respect, &c.

EDMUND P. GAINES,  
*Maj. Gen. Com.*

To Gov. TROUP.

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G.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 14th June, 1825.*

DEAR SIR : It may be important to you to know, before you communicate with your Government, or proceed to meet the Indians in Convention, that the laws of Georgia are already extended over the ceded country ; and, of course, that is my bounden duty to execute them there.

The statutory provisions on this subject, will be found in the papers of the morning, and in the act, entitled "An act to dispose of, and distribute, the land lately acquired," &c.

With great respect and regard,

Very sincerely,

Maj. General GAINES.

G. M. TROUP.

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H.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 15th June, 1825.*

SIR : I have this moment had the honor to receive your communication of the 14th instant, on the subject of the survey of the



coded country and the running of the dividing line between Alabama and Georgia, and in which you request that, in conformity with the expressed will of your Government, both the survey and the running of the line may be forborne until the period arrives at which the removal of the Indians is required. It would give me great pleasure to be able to comply with any request made by yourself, or your Government; you would make none that did not to your own apprehensions seem reasonable and proper. As, however, there exist two independent parties to the question, each is permitted to decide for itself; and, with all due deference to yours, I must be permitted to say, that my apprehension of the right and of the wrong leads me to the opposite conclusion; the conclusion to which the Legislature of Georgia, upon mature reflection, had recently arrived by an almost unanimous vote, and which was made the foundation of my late communication to the Secretary of War, and my more recent one to yourself, upon the same subject.

I would deeply lament if any act proceeding from myself should cause the least embarrassment to you, or to your Government, especially considering the critical relations in which the United States stand to the Indians, and the great interest which the Government of Georgia feels in their early and satisfactory adjustment. But it cannot be expected by your Government, that important interests are to be surrendered, and rights deemed unquestionable abandoned, by Georgia, because of any embarrassment which may arise in the intercourse and negotiations between the United States and the Indians.

I set too just a value on your high character, to believe that you would willingly create them. I am equally persuaded that none will be suffered to exist, which can with propriety be removed; and I know you will pardon me when I take the liberty of saying, that those to which you refer ought not to exist for a single moment. Upon every principle and practice of diplomacy, the particular instruction of your Government, which has given rise to these embarrassments, ought, at this moment, to be taken and held as no instruction at all: for it is now known to you, that what purports to be an instruction was given upon information which was believed to be true, but which has turned out to be false; and the presumption is irresistible, that, the state of things having changed, your Government, so far from desiring to press the execution, would gladly withdraw the instruction, and that, without incurring any, the least, responsibility, you are at perfect liberty to consider it withdrawn. It is not for me to instruct, but to receive instruction from you, in every thing connected with the military art; and you know as well as I, that no principle is better settled than the one which justifies disobedience to positive orders under a change of circumstances. I say that the instruction had its origin singly in a falsehood imposed upon your Government by its own Agent, and that, but for that falsehood, the instruction would not have been given. You have the proof of it in common sense, and in the documents and evidence connected with the late disturbances. If you want more proof, look into the Gazette of yesterday, where you will find

a council of hostile Indians, assembled by the Agent, proclaiming, by acclamation, his innocence of the death of McIntosh, because that death followed not from the survey, but the law of the nation. Your Government is informed, by the Agent, that the hostile Indians are in array against us, because the Government of Georgia interfered to procure the consent to the survey. The same Indians testify to the falsehood of the declaration; and the dilemma is, that, if the Agent is to be believed in the one case, the Indians cannot be in either of the other.

You see, therefore, Sir, plainly the result. The Government of the United States, identifying itself in all things with the Agent, assumes for granted what is false; issues, in consequence thereof, a peremptory order to this Government to forbear an act, which it feels it is its right, and duty, and interest, to perform. The falsity is made known to the officer instructed to carry that order into effect, and the officer feels it to be his duty to proceed in the execution of the order, notwithstanding the change of circumstances which produced it.

On the part of the Government of Georgia, the will of its highest constituted authorities has been declared, upon the most solemn deliberation, that the line shall be run, and the survey executed. It is for you, therefore, to bring it to the issue. It is for me only to repeat, that, cost what it will, the line will be run, and the survey effected.

The Government of Georgia will not retire from the position it occupies, to gratify the Agent, or the hostile Indians; nor will it do so, I trust, because it knows that, in consequence of disobedience to an unlawful mandate, it may be very soon recorded that "Georgia was."

Suffer me to say, also, that your Government has acted very precipitately and unadvisedly in this affair. After receiving the notice of my intention to make the survey, it interposed no objection, though it had time to do so. A considerable time elapsed, and it receives false information from the Agent, upon which it issues its peremptory order. Soon after, it receives further false information from the same Agent, upon which it issues other orders, confirmatory of the first, and which you seem to consider final.

But for my direct and active interference, hostilities would have immediately followed the death of McIntosh, and of a character no inveterate as to put to defiance any interference whatever, even on your part. Your power, not your influence, might have been availing, to be sure; but your power was not here. And for preserving this peace, you know what a respectful testimonial I have of the thanks of your Government, couched in most delicate and complimentary terms. The suggestion you make, in derogation of our claim to participate in the construction or execution of the treaty, (giving to that suggestion its utmost force,) is merely that we are not nominally parties to the treaty; whilst the answer to it is, that we are the party, in interest, deeper tenfold than they who appear on the paper; and that the paper, in virtue of another paper to which we were parties, both nominally and in interest, passed a vested right of soil and of jurisdiction to Georgia, which nothing but the great Jehovah can divest.

You will please to understand, that there is no inclination here to urge hastily either the survey or the running of the line, so as to interfere in the least with the measures to be taken to pacify and tranquilize the Indians. On the contrary, all the facilities we can give for this object, will be readily afforded. But it is believed that, in reasonable time, this happy result can, with wise and prudent measures, of which your Special Agent was advised yesterday, be easily accomplished; but never to be accomplished, if the condition of that accomplishment be the abandonment of the survey and running of the line.

What in our verbal communications had been promised, is now repeated: that the military requisitions which, in compliance with your instructions, you may think proper to make upon the Governor of Georgia, will be promptly attended to, and the force placed under your command with the least possible delay. The implicit reliance in your high sentiments of honor, is my sufficient security that that force, if it could, will, in no event, be employed against us.

With great consideration and regard,

G. M. TROUP.

Major Gen. GAINES.

# I.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Milledgeville, Georgia, June 16, 1825.*

SIR: In acknowledging the receipt of your Excellency's letter of yesterday evening, I hasten to assure you, that, in whatever I have said, verbally or in writing, as to the probable evil effects or impolicy of entering upon the late ceded land, and of making the surveys, before the Indians can be required to depart therefrom, I have not permitted myself to be influenced by any statements from Col. Crowell, the Agent, (though by no means prepared to condemn that officer without a hearing.) On the contrary, my impressions were the result of many years' attentive observation and experience in official and unofficial intercourse with the Indians; added to a knowledge of the construction which the treaty has received from the President of the United States. These impressions lead me to the conclusion, that the proposed surveys, with the consequent influx of white men, strangers to the Indians, during the existence of their violent feuds, would not fail to fan the flame of discord that has already produced so much mischief among them. I cannot but regret the difference of opinion between us upon this subject; and that it should have called forth a feeling or expression of controversy, is still more to be regretted.

Having no doubt that you will, in due time, hear from the proper Department of the General Government, fully and satisfactorily, upon the subject of your letter generally, I can only refer you to that Department.

I take this occasion to offer my acknowledgments for the promptitude and frankness with which you have furnished me with the information you have obtained in respect to the late disturbances on the frontier; and with which you have given me assurance of your willingness to co-operate with me in the discharge of the important duties to which my attention has been called.

Although there is much reason to hope that the spirit of hostility among the Indians may be restrained, and that peace may be restored between the contending parties; and, moreover, that the frontier may be rendered secure without a resort to further bloodshed; yet, as these desirable objects may be facilitated and more effectually secured by preparatory measures for coercion, I have to request that your Excellency will be pleased to order a detail of two complete regiments, one of cavalry and one of infantry, to be held in readiness to assemble at a moment's warning; Arms, ammunition, and subsistence, will be provided at the Agency, or at some other suitable place upon the frontier, where it may become necessary to assemble the forces; of which due notice will be given.

I have the honor to be,

EDMUND P. GAINES, *Maj. Gen. Com'g.*

His Exc. G. M. TROUP,

*Governor of Georgia.*

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K.

*Indian Chiefs to General Gaines.*

MINERAL SPRINGS, 18th June, 1825.

GENERAL: It would be needless for us to attempt to describe the great satisfaction it gave us when we understood that you were appointed by our Father, the President, for the purpose of investigating the difference that now exists between us as a nation. Expecting, as we do, that you are left with discretionary power, after hearing from both parties, we have every confidence in believing that justice will be done. The charges that we shall make can be substantiated not only by ourselves, but by a number of others, if you shall deem it necessary. General, our situation is not altogether unknown to you. When the hand of sorrow has been pressed heavily upon us, we have been comforted by knowing that our white brethren felt for our troubles, and wished us well. Our forefathers formerly owned a large and beautiful country that abounded with game and many other advantages. In this situation we were applied to by your Government for more land. Believing the request of our Father, the President, to be a reasonable one, we listened to the talk sent us by his Commissioners, and accordingly entered into a treaty. Foreseeing the difficulty that might arise from some dissatisfaction that had manifested itself among our nation, we thought proper to require from the Commissioners a promise for protection. This was done, and the eighth article of the treaty agreed upon, to which we beg leave to refer you. Consequently, we agreed to the treaty, and do now agree to it, if this article is

complied with. We are now left without land, or any place to settle our women and children in safety. Our land had been sold to the United States in a number of instances, by treaties; therefore we had precedence in selling at the late treaty at this place. Not only that, but we had the promise of our Father, the President, of a beautiful country West of the Mississippi, where we would never be interrupted; together with a sufficient compensation for our improvements, and to enable us to erect others. At the death of our leader, General Wm. McIntosh, we have become much troubled. He was our head: he had wisdom to guide us through all difficulties in that far Western country, particularly should we ever be attacked by any of the powerful nations in that country.

We acknowledge him our head: we were only the hands and feet. He is now cut off from us; we have little encouragement to move to that far country, and place ourselves in the hands of our enemies. We have reason to believe that every obstacle will be placed in our way. We have received many talks that came from our enemies in the Creek nation, that all who went West of the Mississippi would be treated as intruders; that the United States had no right to that country; that all who emigrated there would be certainly murdered; that there was a powerful nation there that would destroy us all. There has been lately a talk handed out in the nation of this kind: whether by the Agent or bad Indians we are not able to say. Further, that all who did not come in in a few days, and settle among them again, were to be driven out to the Mississippi, even without a leader; that you, Sir, was not sent by our Father, the President, to protect us, but to keep Governor Troup and his soldiers out of the nation; that they had not damaged the white People, and that the whites did not intend interfering with our disputes. This talk, Sir, has caused our number to be so small at this place: therefore, we allege and lay before you the following charges for your consideration.

We, the Cowetas at this place, do, for ourselves and for those not present, charge and accuse the Little Prince, Hopoithyoholo, and Taskeenechaw. (Big Warrior's son,) now Principal Chiefs of the Creek nation, and such others as may be hereafter identified, in being instrumental in causing the death of General Wm. McIntosh, Etome Tuskenuggee, and Colonel Samuel Hawkins, contrary to the laws of the Creek nation, and derogatory to the 8th article of the late treaty, promising us protection, &c.

*Charge 2.* Against the Little Prince and his adherents, for taking and converting to their own use all the negroes belonging to General McIntosh and Colonel Hawkins; also, robbing them, after killing them, of a considerable sum of money; destroying all their papers, there being bonds of considerable value; killing a quantity of hogs and cattle; taking all their horses, and driving off the remaining part of their stock, and burning up all their houses. All of which we conceive to be entirely contrary to the laws of the nation.

*Charge 3.* For forfeiting their pledge to the Governor of Georgia and to us, by promising, in several talks and letters, that there was no hostilities intended, which has been grossly violated.

**Charge 4.** For continual depredations since the death of McIntosh; killing and driving off our cattle within the limits of Georgia.

On the first charge our enemies will say to you that they were authorized to take the life of McIntosh, and others, by a law of the nation. We will only deny the assertion, for comments are not necessary, inasmuch as we can lay before you a copy of all the laws governing the Creek nation since 1817; and all laws previous to that time were repealed.

Immediately after receiving information of the ratification of the treaty at Broken Arrow, Little Prince and his fellow murderers convened, and then planned the death of McIntosh, and all others that were in favor of the treaty; and, until this time, no law of the kind was in existence. Consequently, Little Prince ordered about three hundred of his warriors to put his plan in execution, which was accordingly done. After killing the General, not being satisfied, repeated their hostilities, by shooting a number of balls through his head and body; and made a great parade, and would say, "This is the great General—the white man's friend." In consideration whereof, a satisfaction by us is demanded, and such only as we conceive to be reasonable. Blood for blood is the law of the land, and a law which Christ himself has tolerated. This is what we demand; and a restoration of all damages.

Signed by us in council, this 18th June, 1825.

Joseph Marshall,  
Chilly McIntosh,  
Rowly McIntosh,  
William Miller,  
Interliskey McIntosh,  
Benjamin Marshall,  
Benjamin Dolozow  
James Island,  
Arpiskar Tustunnuggee,  
Jacob Beavee,  
Tulloahajo,  
Tulsahaijo,  
Conis Emarthlo,  
Charles Miller,  
Warhae-thocco-haijo,  
Fockeyhueta Emarthlo,  
Eoshutchee Emarthlo,  
John Hamee,  
Samuel Miller,  
Ispockekey Emarthlo,

Arpiskar Tustunuggee,  
Thertho Haijo,  
Coharsey Emarthlo,  
Nocosa Emarthlo,  
Hagy McIntosh,  
Dick,  
Foshatchee Emarthla,  
Nemhowartochee,  
Hopoyith Hajo,  
Nehaujoholar,  
Tullartokey,  
Refarlar Tuskenchar,  
Dummochelecta,  
Isparney Mico,  
Comphaijo,  
Nocosoly,  
Andrew Lovett,  
Arharlusyaiholar, of Cusseta.  
Conococha Emarthla.

To Maj. Gen. E. P. GAINES.

L.

*General Gaines to Indian Chiefs.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Indian Spring, June 19, 1825.*

MY FRIENDS, CHIEFS, AND WARRIORS : I have read the account of your wrongs, and am ordered by your great friend and Father, the President of the United States, to protect you from the violence of your enemies ; to inquire into the cause of your troubles ; to mitigate your sufferings, and to restore harmony between you and the deluded party of your nation opposed to you. For your protection, I am authorized to march an army to any part of the Creek nation, and to station it there until peace be restored. To lessen the evils of your present distressed condition, the President has directed me to provide for the comfortable subsistence of yourselves and families, and to take under my protection such as may be disposed to revisit the nation. The chiefs opposed to you, have been notified to meet me at the Chat-tahouchie, five days from this time. I shall forewarn them, in strong language, of the displeasure of the President at their past conduct, and of the severe retaliation it will become my duty to inflict on them, if their hostility should be continued. But, should I find them, as I have reason from report to expect, sincerely lamenting the rashness and folly of their past conduct, and willing to make atonement for the injuries you have sustained from them, I am instructed, in this case, to settle the difference between you, without further bloodshed.

Your lamented General McIntosh, and other Chiefs, who fell with him, had often evinced their friendship and fidelity to us, in war and in peace. We have, therefore, heard of their death with that heart-felt sorrow which the fall of long-tried friends could not fail to produce. You claim the lives of those by whom your beloved Chieftains were slain. Could they be thus restored to us, I doubt not that the President would willingly order me to punish their murderers ; but the dead, however valued, cannot be restored to this life ; and as the Government of the United States has, in no instance, deemed it proper to interfere in the intestine feuds of our red neighbors, in cases like the present, when their hostilities have not continued or extended to the white inhabitants, I am not authorized, under these circumstances, to sanction the measure of revenge proposed by you. If the opposite party is found to be sincerely desirous of peace, and willing to restore the money and property taken by them, it is expected that you will, in this case, moderate your demands ; meet them in Council, and return to the Nation, until you have selected your intended residence to the Westward. But, should I fail in my efforts to restore harmony ; should I find your enemies determined to renew their acts of violence against you ; I shall, in this case, advise you to remain here a few weeks, until my troops are in readiness for action, when I shall put down every hostile hand that I find raised against you. Your conduct has been discreet, and it has been approved of by the President. When your enemies assailed you, and murdered your Chiefs, your

first step was to repair to your white friends, and appeal to them for redress. Had you then determined to follow the impulse of irritated feelings, and attempted, with no other than your own limited means, to avenge your wrongs, your country would have been involved in a bloody intestine war. In such a war, your white friends that surround you, would have been forced to arms in their own defence. The consequences would have been fatal to most of the red men, of both parties, in the Nation : for we could not always discriminate between friends and foes. The innocent might have, therefore, fallen for the crimes of the guilty. Your wisdom and forbearance has enabled your Father, the President, to interpose his authority and friendly admonition. A continuance of that wisdom and forbearance, will enable us to preserve you from a war of extermination, and to do you that justice to which you have the strongest claims. Having seen and addressed you, and having received from you the evidences of your wrongs, my next duty will be to see the Chiefs opposed to you, and to address them, and to hear them and their witnesses : for, bad as we may suppose them to be, it is known that they have laid down their arms, and, therefore, the laws of civilized nations will not sanction their condemnation without a hearing. You must, in the mean time, persevere in the judicious course you have, heretofore, pursued ; you must bear in mind the wishes of the President, which I have communicated to you ; be quiet and peaceable, and listen not the bad counsels of those who would plunge you into the evils of war, when war would not relieve, but would, inevitably, add to your misfortunes.

The \$200,000 due to the Indians, according to the provisions of the late treaty, will be withheld from them until their differences are settled : and I am instructed to say, that the Chief who commits further violence, will forfeit his share of the money. After the differences are settled, the \$200,000 will paid on the same scale of distribution of their annuity.

I have read your laws, and am gratified to find none so sanguinary as that alleged by your enemies to exist ; under color of which, it has been stated, they perpetrated the murders of which you complain.

Your friend,

E. P. GAINES,

*Major General Commanding,*

*To the Chiefs and Warriors, Creek Nation,  
now at Indian Springs.*

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M.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT, GEO.

*Milledgeville, 16th June, 1825.*

SIR : In compliance with your requisition of this morning, I have issued orders to hold in readiness two regiments for your service, and



have taken measures, as I promised to furnish as large a portion of volunteer infantry and calvary as can be conveniently assembled.

Captain Harrison's troop of cavalry is placed under your orders.

With great consideration and respect,

G. M. TROUP.

Major General GAINES, *Commanding, &c.*

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N.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 18th June, 1825.*

SIR: The Commissioners appointed under the authority of the Legislature to examine into the causes of the recent disturbances in the Creek Nation, and more particularly into the conduct of the Agent connected with them, will make you acquainted with my instructions.

Having, like yourself, no other object than the development of truth, no doubt is entertained that they will receive your confidence, and that, by concert and co-operation, such aids and facilities may be afforded as would be desirable to you.

They are particularly charged not to interfere in any deliberations or negotiations which the United States may hold with the Indians for other objects, unless solicited so to do by yourself. From what has occurred, it is highly important that this Government should be represented at the Council, to be held at Broken Arrow, on the 25th. The many inconsistencies, in the conduct of the Indians, to be explained and reconciled, and their recent convocations by the Agent, for the purpose of repelling charges made against him by the Governor of this State, at the instance of the Government of the United States, make it indispensable, for the attainment of truth and justice, that the Commissioners should be present there. If, for this purpose, it should be thought advisable to take with them some of the friendly Chiefs, who are deeply interested in vindicating their character against reiterated attacks upon it by the hostile party, it is hoped that this, likewise, will meet your concurrence, and that they will be placed under your safeguard and protection.

With great consideration and respect,

G. M. TROUP.

Major General GAINES.

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O.

*Georgia Commissioners to General Gaines.*

INDIAN SPRINGS, 20th June, 1825.

SIR; Enclosed you will receive a copy of a letter of instructions from his Excellency the Governor of Georgia, to us, as Commission-

ers in behalf of the State, for the purposes therein mentioned. - It is important to the Commissioners, that your answer to the application of his Excellency the Governor, to admit the Commissioners to a full and free participation of the Council of Indians, should be received as early as practicable.

Very respectfully, Sir,

We are your obedient servants,

WARREN JOURDAN,  
WM. W. WILLIAMSON,  
WM. H. TORRANCE.

*Commissioners.*

Major General E. P. GAINES.

P.

*Governor Troup to Georgia Commissioners.*

EXECUTIVE DEPARTMENT,

*Milledgeville, 18th June, 1825.*

GENTLEMEN : You are requested to proceed to the Indian Springs, to attend a Council of the friendly Indians, to be holden there on the 20th instant. As it is presumed, that any concert tendered, on the part of this Government, to assure a full development of the facts connected with the late disturbances in the Creek Nation, and such as may more particularly affect the guilt or innocence of the Agent, under the charges exhibited against him by the Governor of this State, will be gratifying to Major General Gaines. You are hereby authorized and empowered, under the authority vested in you by the Legislature, to employ all lawful means for the furtherance of the objects aforesaid ; avoiding, at the same time, any interference whatever with that Council in matters disconnected with the objects of your mission, and which appertain, exclusively, to interests and relations purely political, subsisting between the General Government and the Indians.

From the Indian Springs you will proceed to attend the other Council, to be holden at Broken Arrow on the 25th instant. Your presence there will be of importance, because more immediately connected with the investigation of the conduct of the Agent, as arraigned by the Governor, at the instance of the President of the United States, and by the Legislature of the State.

You will, no doubt, be admitted to a free participation of that Council, and will be suffered to take with you, under sufficient safeguard, any of the friendly Chiefs, whose presence there you may consider necessary to the accomplishment of the objects which the United States and this Government have in view. There can be the less doubt of this, because the charges having been already made, both by the Executive and Legislative authority of Georgia, against the Agent, and the Agent having, so far, thought proper to have recourse to the Mis-

stationaries and hostile Indians in the Nation for his defence, and that defence being already before the public, at the instance of the Agent, in which it would seem that both being under the control and influence of his office, any direction, most suitable to his views, may have been given to their opinions and feelings; it is only an exercise of strict right, on the part of the Government of Georgia, that it be heard before that Council by Commissioners who are instructed to give and receive explanations for the purpose, in common with the Agents of the United States, of arriving at truth, and doing justice to all parties.

Should such participation be denied you, you will enter your formal protest against that denial, and proceed to avail yourselves, within the jurisdiction of Georgia, of all the testimony you can obtain.

Very respectfully,

G. M. TROUP.

Messrs. JOURDAN,  
WILLIAMSON,  
TORRANCE, and  
JONES,

*Commissioners.*

Q.

*General Gaines to Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Indian Spring, June 21, 1825.*

GENTLEMEN: I have the honor to acknowledge the receipt of your communication, of yesterday's date, announcing the objects of your mission.

In reply I have to observe, that, however much I might be aided by the lights of your experience, I do not feel myself authorized, without new instructions from the Department of War, to comply with your demand "to be admitted to a full and free participation of the Councils of the Indians."

This Council is assembled for the purpose of enabling me to discharge duties of a very delicate and important nature, confided to me by the General Government. I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered to the Council by any officer or citizen permitted to address it, whether of the United States, or of any individual State, or Territory.

Without such control, our Councils would be involved in confusion, and they would be wholly useless, if not worse than useless.

EDMUND P. GAINES,  
*Major General Commanding.*

Col. W. JOURDAN,  
W. W. WILLIAMSON,  
W. H. TORRANCE,  
*Commissioners.*

R.

*Georgia Commissioners to General Guines.*

INDIAN SPRINGS, 21st June, 1825.

SIR : Your note of the present date, we have had the honor to receive. We are free to confess, Sir, that its contents have surprized us. Your note furnishes us with the information that your duties are of a very delicate and important nature. We had no doubt of their importance. The occasion calls for important measures. The chiefs of a once powerful nation have to be re-established in their usurped houses, power, and fortunes, in and amongst a People over whom you are deputed, for the time being, to preside. Your measures fix their destiny and that of their posterity. High responsibility—delicate trust.

Your Government has informed you of the existing relations between that nation and the State of Georgia. We are the Representatives of that State in connexion with certain matters touching the disturbances therein.

The Government of the State of Georgia has vested in us certain powers, the execution of which was, and is believed to be, closely identified with the objects of your present mission. On our arrival at this place, we deemed it prudent to lay before you a copy of our instructions from his Excellency the Governor of Georgia, by which you were informed that we were expressly instructed not to interfere in any matter disconnected with the objects of our appointment ; but, at the same time, clearly expressing the opinion that we would be admitted to a full and free participation of the Indian Councils. This opinion was the more readily advanced by our Government, because it was known that your object in convening a Council of the Indians was inseparably connected with the duties assigned to us. Therefore the State of Georgia considered that she might make the request that has been made, with much confidence that it would be readily granted ; relying upon the strongest assurances which it was believed would be made by you, as the Agent of the General Government, to receive the aid and assistance and co-operation of Georgia, in carrying fully into effect the views of your Government. We are instructed to say that our Government disclaims, in the strongest terms, any wish or intention to embarrass in any wise your movements as connected with any matter growing out of the present unfortunate and peculiar situation of the Creek nation of Indians.

The Government of Georgia has created the commission under which we have the honor to act, for no other purpose than to inquire into the facts as connected with the conduct of an officer of your Government ; the conduct of which officer has been arraigned by the Government of Georgia, at the instance of the President of the United States.

In the investigation of the conduct of that officer, the State of Georgia has great interest. It is of the highest importance to her that there should be a full and clear development of all the facts, which, if had, it is believed will fully establish the several charges as preferred.

To arrive at the certainty of all these facts, in the most imposing and official manner, it was considered by our Government necessary to constitute the present mission. It was further determined by the same Government to be of the first consequence, that the members of that mission should present themselves clothed in their official character in the Councils of the Indians, to be convened by you ; believing that, in those Councils, information might be elicited, material to the point in issue between the State of Georgia and the Agent for Indian Affairs. For this purpose, and no other, have we been directed by our Government to repair to this place, and to inform you of the same, and to respectfully ask your permission for admittance therein. We have done so by request only ; we have not demanded it. That permission has been denied us. We, therefore, in pursuance of our instructions, and also as a proper sense of duty toward our Government, do hereby enter our formal protest against such denial ; believing that, in consequence of being debarred the participation in those Councils, the State of Georgia will unquestionably be deprived of that that is to her of vital interest and great magnitude.

Respectfully, Sir, we are your obedient servants,

W. W. WILLIAMSON,  
WARREN JOURDAN,  
WM. H. TORRANCE,  
*Commissioners.*

Maj. Gen. E. P. GAINES.

S.

*Indian Chiefs to General Gaines.*

INDIAN SPRINGS, June 20, 1825.

GENERAL AND FRIEND : Your talk of yesterday we have, and have given to the same proper construction. In some part of your talk we disagree. We will reply to it in the order you have given it. We are glad that our Father, the President, has instructed you to afford us the protection you offer. A number of us are anxious to go with you to Broken Arrow, to the talk to be held there, and desire of you to afford to and assure us of that protection. We know our Father, the President wishes us to be protected. So his Commissioners in the treaty have told us. We will let you know, to-morrow, who of us wish to go to Broken Arrow with you. We have no doubt but that the information you have received, relating to the friendly dispositions of the hostile Indians is not true. We are too near them, and know too well what they wish, to believe so. You may have been imposed on by bad men, who wish us and our friends harm. We are sorry our Father has talked to you about us, as we hear from your talk. We disagree with you in that talk, in this : we must have the murderers of our great Chief, and other head men, given up to be tried by our laws. If they have spilt blood against the nation's law, they must

suffer as that law directs for such crimes. You know our Father, the President, would have called upon our nation to give up any of our chiefs or warriors, if they had murdered any of our white brothers, to be punished as the law said. We expect and demand the same in this case. It is right, and should be done so. Not only the Great Father before the present one has said so, but the Great Spirit has said so. You have said that you have read our law, and that you find no such law as the hostile Indians say our Chief, General McIntosh, violated, which caused his death. That is true. There is no such law, nor ever was. If there had been such a law as that, and made when it said it was, why were not all our chiefs and head men put to death for signing a treaty made with the Commissioners of our Great Father at this place, in 1821? You can tell our Great Father that we never knew any such law. Bad men, both white and red, made the story to suit them. You tell us the dead cannot be restored to life. We knew that before: but, as they cannot, you say we must not ask the law to be enforced upon those who took away life. That is not the way our white brothers talk to one another. When one of them murders another, he is tried by your law, and, if found guilty, you punish him. This is all we ask. Give us the same chance: Our law requires it; justice demands it; and we expect you will assist in the execution. You say our Great Father will not interfere amongst his red children, when they quarrel. We were always taught to believe otherwise: that he would interfere, when one party was plundering and murdering another, without any cause whatever, as has been the case with his red children of the Creek nation. It was on that account that some of us went all the way to Washington city, to see our Father. We were of the opinion, from what he said in his talk to them who went to see him, that he would interfere to protect us. That has been promised us in another place, and at another time. That is in the treaty made last. When the last treaty was made at this place, some of the Chiefs left here, before it was signed, because they had heard that some of the Tuckebatchies said they would kill any who signed it. Those that did sign it then, required the Commissioners of our Father, the President, who was sent to us by him and to act for him, that he would agree to protect us from "the encroachments, hostilities, and impositions, of the whites, and of all others," which was done by the treaty. These are the words of the Commissioners, speaking by the authority of our Father, the President. We have been imposed upon by the whites and others, since that time, and on us and our friends that are gone to the Great Spirit, they have committed open hostilities, and made great encroachments upon our property. Besides, our all is nearly destroyed by them; and now we are told, after having been driven from our peaceful homes, in the dead of the night, by the Red Sticks, that our Father, through you, will not interfere to assist us. We ask and require, in good faith, an execution of that article. Our Father, the President, has not yet disappointed us. We hope, therefore, he will take that part of your talk back, and render us the satisfaction we claim, and are entitled to. You request us to meet the Hostiles in Council. We

have already told you that many of us wish to go to the Council at Broken Arrow. Say you will protect us, we go. Our wrongs require our presence in that Council. Justice cannot be done without some of us are there. Many of the Hostiles will deny what they have said, if we are not there to confront them. You want truth : let us go, and you'll get it, when we all meet together.

In your talk, you tell us, it is known the Hostiles have laid down their arms, and therefore the law of civilized nations will not sanction their condemnation without a hearing. We have no doubt but what you have been told so. Whoever told you was not our friend : for it is not so. We hear from the nation as well as others, and more certain. The Hostiles still threaten us with death, if to be found in the nation. This we know. We do not know whether the laws of civilized nations in all cases require a hearing before condemnation. We do not wish the Hostiles condemned before a hearing. Take them up. Try them. Hear the proof. Decide for yourselves. You will find them guilty. If you do not, we do not wish them condemned.

We wish you to say to our Father, the President, that, in his officer, Colonel Crowell, the Agent for our nation, we have lost all confidence: we believe him our worst enemy ! We have the strongest possible reasons to believe that he advised and consulted the death of our Chief. His hand is against us, and has been for a long time. He has not given to us a good talk for years ! His best friends in the nation are of the hostile party ! All his feelings and prejudices are in their favor, and against us.

He has said to our Great Father, that the cause of the death of our great chief Gen. McIntosh, was the talk of the Georgia Governor, about surveying the land we sold. That you have seen is false ; his hostile friends said it was because he violated a law. This certificate the Agent has published as a part of his defence. This you have seen, and say in your talk is not true. The Agent, we believe, gets both white and red men to tell false tales for him about this matter, that are not true.

It is done to reach our Father, the President, and make him believe the Agent is innocent. He is not ! the proof to the contrary exists, and can and will be had ; don't let him be Agent any longer ; we will never receive another talk from him ; he has deceived us, he has injured us more than we can tell.

You have told us in your talk, that the money we were to get for our land, will not be paid until all our differences are settled, and that it will be paid on the same scale as our annuities. This is what we never expected to hear from our Father, because he has said otherwise. In the treaty it is expressly provided, that, whereas said Creek Nation have considerable improvements within the limits of the Territory hereby ceded, and will moreover have to incur expenses in their removal, it is further stipulated, that, for the purpose of rendering a fair equivalent for the loss and inconvenience which said Nation will sustain by removal, and to enable them to obtain supplies in their new settlement, the United States agree to pay the Nation, emigrating from the land herein ceded, the sum of \$400,000. By

the terms of this treaty, we always understood, and so it is plainly written, that the money was to be paid to those who emigrate, and to those only. The compensation was made entirely on account of losses sustained by the emigrating party, and for expenses incurred in the act of emigrating. Such of the Indians as sold no land, nor deprived themselves of any, were not bound to emigrate; and of that class, are included all who reside West of the Georgia line. We live East of that line, have sold our land, at the request of our Father, and bound ourselves to go in a certain time; all our improvements are to be sacrificed; other losses be sustained to a great amount; heavy expenses, to be incurred in the transportation of our women and children. All this considered, and we are told that our red brethren that have sold no land; who are not compelled to remove; who incur no expenses; who remain in possession of their all, shall receive an equal share with us. Justice says not; the treaty says not; our reading of the article says not; our duty says not; and our determination says not. We were persuaded to sell our land to Georgia, that a treaty made by our Father, the President, with Georgia, in 1802, might be honestly fulfilled. For, and on his account we did sell; it was done that our Father, the President, might not violate his word. For so doing, we had his promise to pay us \$400,000; \$200,000 of which were to be paid on the ratification of the treaty. That treaty was ratified in March last, we have no money yet, and are now in great need of some. For signing this treaty we have made many enemies, but they do not live on the land we sold. They have murdered our fathers and friends, pillaged our plantations, burned and destroyed some of our houses, run off our negroes, cattle, horses, and hogs, and forced us to fly from our nation, the home of our departed chief, the spot of all others to us the most dear. We are now wandering a life of pain, hunger, and misfortune, ready to be preyed upon by those who seek to devour us; outcasts from home, strangers among our white brothers, no land to cultivate, no cattle to herd, no hunting ground whereon to pursue the game: in short, the remnant of a once noble, but now a poor deluded and unhappy race, whose extermination and ruin now seems to be the object of those in whom they heretofore most fully confided. In closing our talk, we wish you to say to our Great Father, the President, that you have seen his red children, and delivered them a talk. That they have delivered you a talk in reply, touching their unfortunate Nation. In that talk, you will tell him, that we request and expect some things to be done.

1st. The murderers and their aiders and abettors of our great chief, Gen. McIntosh, and others of our head men, shall be given up to be tried according to law.

For this we cry aloud.

2d. We cannot any longer transact any business with Col. Crowch as Agent for our Nation, for the reasons before stated: he must be sent away from among us.

3d. We must have our money according to the treaty: good faith ought to be kept; we are in extreme want.



4th. We wish you to tell our Father, the President, that we must be restored to all, every thing that we have lost ; our rank and station must be assigned and guarantied to us in the Nation. Those are the conditions without which our differences never can be settled. We have no more talks till that is agreed to ; any other talk we will send back. Signed by us, in Council, for ourselves, and the balance of the chiefs now at this place, having been authorized to do so.

JOSEPH MARSHALL,  
CHILLY McINTOSH,  
WM. MILLER, his x mark,  
ROLLEY McINTOSH, his x mark,  
INTERLIFKEE McINTOSH, his x mark,  
BEN DAULOSAU, his x mark,  
JAMES ISLAND, his x mark.

To Maj. Gen. E. P. GAINES,  
*Now at Indian Springs, Georgia.*

T.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Indian Springs, June 22d, 1825.*

SIR : I have to acknowledge the honor of your Excellency's letter of the 18th of the present month, in reference to Commissioners appointed under the authority of the Legislature of the State of Georgia, to examine into the causes of the recent disturbances in the Creek Nation, and more particularly into the conduct of the Agent, connected with them.

In reply, I have to observe, that, however much I might be aided by the experience, talents, and integrity and honor of the Commissioners referred to, on the part of the State of Georgia, I do not feel myself authorized, without new instructions from the Department of War, to comply with the demands contained in their letter of yesterday's date, "to be admitted to a full and free participation of the Council of the Indians."

The Council will be assembled for the purpose of enabling me to discharge important duties confided to me by the Government of the United States, and of which your Excellency has been apprised. The Indians appear disposed to yield to the just and pacific views of the President ; but they are still laboring under some delusion and excitement. This would be increased, rather than diminished, by adding to the number of individuals by whom they are to be addressed ; or by any addition or multiplication of the matters of controversy to which their attention may be called. I am fully authorized and instructed by the Government of the United States, to protect the friendly Indians ; to mitigate their calamitous condition ; and, in the event of hostilities having ceased on the part of the opposite party, to restore harmony among them. Hostilities have indeed ceased, and I

have received satisfactory assurance of an earnest desire, on the part of the chiefs of both parties, to remain at peace with each other, as well as with the United States.

It becomes my duty, therefore, to make peace upon just principles, and, consequently, to avoid an Indian war. My impression of the high responsibility of the trust reposed in me, suggests, clearly, the propriety of my having the entire control of every individual white man, allowed to address the Council; and that I should, moreover, have the entire control of every expression uttered to the Council by any citizen or officer of the United States. Without such control, our councils, on both sides, might be involved in confusion; and the benevolent objects of the Government, entrusted to me, might, by my improper acceptance of the proposed "participation," be defeated.

To avert an evil, so pregnant with mischievous consequences to the Creek nation, to the peace and honor of my country, and to my own reputation, I must decline the demand of the Georgia Commissioners.

Should I be instructed, by the proper authority, to recognize the proposed co-operation of the Georgia Commissioners, I shall take great pleasure in serving with them. My whole duty, as a public officer, is comprised in one single word, which suggests the propriety of the course pursued by me, upon this occasion—and that word is *obedience*—obedience to the laws, and to the authorities placed over me.

I renew to your Excellency assurances of my respectful consideration.

EDMUND PENDLETON GAINES,

*Maj. Gen. U. S. Army Comm'g.*

To his Excellency GEORGE M. TROUP,  
*Governor of Georgia.*

U.

*Georgia Commissioners to General Gaines.*

FORT MITCHELL, 25th June, 1825.

*Maj. Gen. E. P. Gaines.*

SIR: Since our arrival at this place, we have been joined by Col. Seaborn Jones, who is associated with us in the commission, by the Governor of Georgia.

In obedience to the instructions, (with a copy of which you have been furnished,) we beg leave again to call your attention to that part of these instructions, by which it was contemplated by the Governor, that we would be admitted to a free participation of the Council of the Indians, to be convened at Broken Arrow, as well as of that lately held at the Indian Springs. We would repeat the request, on our part, that we may be admitted to that Council. In your letter of the 21st instant, in answer to a similar request made at that place, you say, "I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered, to the Council, by any officer or citizen permitted to address it."

whether of the United States, or any individual State or territory. Without such control, our councils would be involved in confusion, and they would be wholly useless, if not worse than useless."

We call your attention to this part of your letter, for the purpose of correcting ~~an~~ mistake, under which you have fallen, with regard to our motives, ~~and~~ the course of conduct we might pursue in attending the Council.

We have been particularly instructed "not to interfere with the Council in matters disconnected with the objects of our mission, and which appertain exclusively to interests and relations, purely political, subsisting between the General Government and the Indians."

Permit us to assure you, Sir, that we shall strictly adhere to those instructions, and carefully avoid any interference; and that we shall expect only to make suggestions to yourself in the Council, and through you to obtain all the information which can be acquired. The information thus obtained, will be of an official character, and will, perhaps, be more satisfactory than any derived from any other source.

From Mr. Kenan, our Secretary, you will receive a copy of the message of the Governor to the Legislature, with the accompanying documents and other papers; and we have the honor to subscribe ourselves,

With high consideration and respect,

Your obedient servants,

WARREN JOURDAN,

SEABORN JONES,

WILLIAM H. TORRANCE,

*Commissioners.*

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V.

*Georgia Commissioners to Gen. Gaines.*

FORT MITCHELL, 26th June, 1825.

*Maj. Gen. E. P. Gaines.*

SIR: An express has this moment reached us from the Governor of Georgia, who will return early in the morning. It would be very desirable to us, if not inconvenient to yourself, to receive an answer to our letter of yesterday before he departs. Should you wish to forward any papers, it will afford us pleasure to place them in charge of the express.

We have the honor to be,

With high consideration and respect,

Your obedient servants,

WARREN JOURDAN,

SEABORN JONES,

WILLIAM H. TORRANCE,

*Commissioners.*

W.

*General Gaines to Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, June 26th, 1825.*

GENTLEMEN: I have received your communication of yesterday's date, requesting to be admitted to the Council convened at Broken Arrow.

I am under no such mistake as that you ascribe to me, and which you are pleased to attempt to correct. In your letter of the 20th, you claim "a full and free participation of the Council of the Indians." Whatever may have been your meaning, the manifest import of the expressions employed by you, could be nothing less than a demand to exercise, without control, certain privileges before the Council.

The force of this construction is strengthened rather than diminished, by your instructions from his Excellency the Governor of Georgia, to which you refer. You say—"We have been particularly instructed not to interfere with the Council, in matters disconnected with the objects of our mission, and which appertain exclusively to interests and relations, purely political, subsisting between the General Government and the Indians." I cannot perceive or admit of the existence of any such distinction. The General Government can have no interests or relations, *purely political*, either with the Indians or with any other People, or nation, in which the State of Georgia is not concerned. But his Excellency the Governor of Georgia, deems it proper that the State should be represented at the Council at the Broken Arrow; and you have been appointed for that purpose. I have advised you that the President has seen fit to confide to me the exclusive mission to this nation, on the part of the United States. I have now to add, that the duties assigned to me are substantially the same as those with which you are charged; with the exception of taking testimony as to the conduct of the Agent. Thus have I the honor to represent Georgia, with each other member of the United States, in the Indian Council at Broken Arrow. With due deference and respect for the authorities of the State, who have had the kindness to appoint a mission to afford me aid, which the General Government appears not to have been aware that I stood in need of, I cannot permit myself to recognize the mission, without the authority of the President. It would afford me great satisfaction to possess the confidence of the State authorities; I can win it only by a faithful discharge of my duty: but if I fail thus to win it, I feel convinced that I shall not fail to retain what will be equally gratifying to me—the conscious persuasion that I *merit* that confidence.

In the subsequent part of your letter, you assure me that you will strictly adhere to your instructions, and carefully avoid any interference; and that you shall expect, only to make suggestions to me, in the Council, and, through me, to obtain the information which can be acquired.

It is to be regretted that you did not sooner favor me with this moderate definition of your wishes; as, in that case, no objection would

have been offered by me to your request, individually and unofficially. You are entirely at liberty to attend, as any other gentlemen would be. I reserve to myself, however, the right to control every subject to be acted upon, and every expression to be uttered to the Council.

It affords me pleasure to profit by the *suggestions* of my fellow citizens; but, these *suggestions* to be acceptable to me, must be free from every thing like official power or control. In tendering to you my thanks for the polite offer contained in your note of this afternoon, I have to observe that I shall not have occasion to send despatches before the departure of the regular mail.

I renew to you, gentlemen, assurances of my respectful consideration.

EDMUND P. GAINES,  
*Maj. Gen. Commanding.*

|                       |                         |
|-----------------------|-------------------------|
| Col. W. JOURDAN,      | } <i>Commissioners.</i> |
| Col. SEABORN JONES,   |                         |
| WM. H. TERRANCE, Esq. |                         |

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X.

*Colonel Campbell to General Gaines.*

INDIAN SPRINGS, June 23, 1825.

SIR: I have made a visit to this place for the purpose of paying over to the heirs of General McIntosh, the amount to which he was entitled under the supplemental article of the late treaty with the Creeks. If I had been apprised of the convention which has just been held, I would have made the jaunt a few days earlier, as well for the purpose of renewing with you an old acquaintance, as for the sake of an interview upon the subject of a further disbursement, provided for in the same treaty.

The Commissioners are at a loss to determine whether any, and what, further duty is expected of them, in relation to the last mentioned fund. The fund was transmitted to us; it was shortly followed by instructions, *prescribing* the rule of distribution, and, shortly after, we were ordered to hold the undisbursed balance, "subject to your order."

Permit me to inquire whether we are to consider our authority as superseded, and, if so, when we may expect your order for the fund? An answer to this last inquiry, is no otherwise necessary than to enable us to prevent any inconvenience or delay which might arise from our absence, or the like cause.

Upon hearing of the contemplated meeting at Broken Arrow, I determined to be present, and wrote to my colleague, Major Meriwether, requesting his attendance. He is detained by the severe indisposition of his family. A settlement of the differences which unhappily prevail amongst the Creeks, appears to be the laudable object of your mission. It occurs to me that the dissatisfaction which has arisen from the manner in which the instalment is ordered to be dis-

tributed, can be no how so well reconciled, as by a consent, on the part of the Chiefs, to a cession of the balance of their territory. The late treaty, and the removal of a part of the nation, virtually effect a severance of that community of interest which exists among savages. A cession would restore the tenancy in common which has been destroyed, and rightfully entitle the whole to a distributive share of the general fund. Thus, one fruitful source of altercation would be reconciled. Our commission is still open, and we should be glad to re-unite the broken fragment of the tribe, and further the policy of the Government by their entire removal. I make these suggestions, Sir, not in the spirit of hostility to your plans of conciliation, but, on the contrary, as auxiliaries to the scheme. If then, in the course of your negotiations, you discover that there is any tendency to such a result, I should be very thankful for information, and will convene a council to effect it. The proposition would be an advantageous one to all parties concerned. The terms would be, in all things, similar to those of the other treaty, except the money consideration for improvements and expenses of removal, which would be an hundred thousand dollars.

I wish you great success in the benevolent employment in which you are engaged. The difficulties which you are called to reconcile, are not the product of the treaty, but are found in the train of its illegitimate consequences. I should very much regret the circumstance of your leaving the South without my having the pleasure of seeing you; and if the interview could happen at my own house, it would be the more grateful.

I am, Sir, with great esteem and consideration,

Your obedient servant,

DUNCAN G. CAMPBELL.

Gen. E. P. GAINES,

*Broken Arrow, Creek Nation.*

Y.

*General Gaines to the Creek Council.*

BROKEN ARROW, June 28, 1825.

CHIEFS AND WARRIORS: I am by profession a warrior, but I have now come among you to make peace.

Before I proceed upon the subject of my mission, I have a few words to say to you in reference to your Agent and the public Interpreter.

You perceive that your Agent, Colonel Crowell, is not at this time attending to the duties of the Agency. You may have heard it reported that he has been displaced. It is proper that I should do him the justice to say to you, that the confidence of the President has not been withdrawn from him. He is not displaced; but some accusations having been made against him, by the Governor of one of the United States, entitled to great respect, the President deemed it proper to send Major Andrews, the Government Agent, to obtain proof, and to

hear Colonel Crowell in his defence. He is therefore *suspended* from the duty of the Agency, and will so continue, until it can be decided whether he has been doing right or wrong. Major Andrews informs me that ~~he~~ has not yet seen any proof that would justify the removal of Colonel Crowell. The public Interpreter, Wm. Hambly, has been likewise accused and censured, and although he possesses my confidence, I have thought fit to bring with me Benjamin Hawkins, who is a good Interpreter, and who belongs to the opposite party. I have directed him to stand by, and hear what is said on both sides, and should there be any misstatement or wrong interpretation of a speech or a word, he is ordered at once, *to report it to me*, or forever after hold his peace. I have likewise employed Charles Cornells and William McGilvery, who are respectable Interpreters, to aid in the correction of any error or misstatement, and to settle any difference of opinion that may occur between Hambly and Hawkins. The first object of my mission; to which I wish your particular attention, is to notify you of the surprise and deep regret with which the Government and People of the United States, have been advised of the late extraordinary acts of violence that have been perpetrated by a part of your Chiefs and People upon another, and a highly esteemed part of our red friends of this nation. In these acts of violence, two of your Chiefs, with an Interpreter, are reported to have been killed; their houses burnt; their property taken, or destroyed, and their families and friends driven from their homes, and forced to seek refuge among their white neighbors. I have already seen in the settlement of Georgia, the families of the fallen Chiefs, with some hundreds of their unfortunate followers, consisting of men, women, and children, where they receive the care and kindness, which the virtuous and the wise are ever willing to bestow on the helpless and unfortunate. When feuds of this kind occur among the People of a civilized or savage nation, and a large portion of them are driven into a neighboring country, it becomes the duty of that neighbor to take immediate measures for the security of its frontier, and to ascertain the causes by which its safety is threatened. For this purpose the President of the United States has given orders that I should call on this council for information upon the subject of the late disturbances. I have, therefore, to require you to state to me, distinctly, why you have suffered these outrages to be perpetrated. When I receive your reply to what I have said to you, I shall then inform you of the further instructions of the President. He desires only to do justice; to preserve peace; and to promote the happiness and prosperity of his red children, who acknowledge him as a friend and father.

Your friend,  
ED. P. GAINES,  
Maj. Gen. Commanding.

*To the Council of the Creek Nation.*

Z.

*Indian Chiefs to General Gaines.*

BROKEN ARROW, June 29, 1835.

Major General GAINES, *U. S. Army.*

HONORED MILITARY CHIEFTAIN: As an officer of the President, you have appeared at our Council-fire, and we have been permitted to take you by the hand, as the representative of our Great Father, the President of the United States. Permit us to express our gratitude for the attention you have bestowed to our verbal explanation in relation to the causes of the execution of General McIntosh, and two others of his party.

We still regret that our duty to our laws, to our country, and to our posterity, compelled us to enforce our law. We do not acknowledge that we have done wrong, as we, as well as the white people, have our own laws for our government.

We have told you that we do not intend violence to be done to the simple few who pretend that they have taken refuge among our brethren the Georgians. They were influenced, misguided, and led astray by the chiefs who are no more. But we wish it to be understood by yourself, by your people, and by the President of the United States, that, by this indulgence and forgiveness on our part, as a nation, we do not acknowledge the treaty they have recently attempted to make is a legal treaty. We now proceed most respectfully to answer your questions in relation to the \$200,000 which you have stated is now due.

We are sincerely sorry to dissent from your opinion, and to reject the advice of our Father, who had the goodness to send you. We do not acknowledge the treaty made by McIntosh as a legal treaty. He had no instructions from us, either written or verbal, to cede away our lands. We believe that the President, as a virtuous, just, and magnanimous chief, authorized the Commissioners to treat with the Muscogee nation.

McIntosh, Hawkins, and Tustenuggee Tommee, were not the nation. We therefore infer that the contracting parties did not act agreeable to the usages of the United States, or of her constitution. The Commissioners obviously treated with a trifling minority. The promises of this minority, and their obligations, are not binding on the nation. This will be plain to the President and Senate of the United States to observe. The President, when he appointed you, and gave you the instructions you have stated to our Council, must have acted and have spoken on the presumption that the treaty in question was a just, and legal, and impartial treaty.

Should we accept of the money as stipulated to be paid the nation by that treaty, we should be, in effect, ratifying a bargain, which has the most injurious tendency to our country.

We speak from what we conceive the proper state of the subject. We are ignorant of the laws of the United States, or of the principles by which she is governed. We believe that a nation, however strong,



cannot, without violating the laws, the rights of the human family, force a tribe or nation to conform and acquiesce in a bargain which they never made. We are the sons of nature. Small have been our advantages, and we speak what our minds dictate. We believe that a nation, who have been led into error either by intrigue or misconduct of their officers, have a rectifying power within themselves. That because they have been imposed upon by misrepresentation by their officers, it is no reason that they should persist in error to the injury, perhaps destruction, of the innocent victims who have been embraced in a perfidious act of parties who had no right to speculate on their peace, happiness, and repose.

The corrective power of the United States ought, in this instance, to be applied with the least possible delay. Laws that are not agreeable to justice, to a constitution of a country, can be repealed : for it is always considered that they are established on fairness, and for the benefit and honor of the country which has enacted them.

Respecting the second question in relation to the invitation of the President to us to send a deputation, we have to state, that we had resolved, some time since, to send a delegation to speak to our Father, and tell him our grievancés, face to face.

We congratulate ourselves of the President's kindness in being disposed to listen to us, and to do all in his power to make us happy.

We request you to inform him that we will send a deputation, in the course of next Fall, or Winter, to see him. Tell him, from us, that we place full confidence in his proverbial kindness and magnanimity. We rely on the General Government for protection.

We flatter ourselves that we shall always be equal, in practice, to our professions. We wish nothing but justice. Truth, like the sun, will always roll on in ceaseless ages ; and although it is sometimes, yea, often, eclipsed by the designing intriguing man, yet it will dispel, in time, the shadow that encircles it in its dark month. But when the truth can be known, and injustice rectified, we ought not to delay to make the former triumphant. If we leave it to time, we may do injury to the present living thousands, who are prepared to enjoy the blessings of the active operations of justice.

As the United States have the power to ratify a bargain which their officers make for them, we, as a nation, claim the same privilege. We have but one heart, and one tongue. We feel that we have done our duty in addressing this letter to you.

You are acquainted with our sentiments ; but we wish our Father, the President, to know them also : we therefore respectfully request his attention on our remarks. We are ignorant if we have said any thing disagreeable. We beg of him to make a proper allowance.

We do not pretend to argue with the General Government ; argument is not necessary to show that we have been imposed upon.

Misrepresentations have repeatedly been made to him concerning our disposition. We have frankly told you the true state of our feelings. May the golden chain that connects us to our Father, the President of the United States, grow brighter and brighter as days, months, and years shall pass away, in their successive periods of duration.

We are, Sir, as usual, your friends and brothers,

Tustenuggee Hopoi, or Little Prince,  
 Hopothleyeohola,  
 Hoby-ye-hajo,  
 Tustenuggee-malo,  
 Emar-tlah-yoholo,  
 Tuske-nec-huhlo, of Coweta,  
 Hillabec Tustenuggee,  
 Tuskee-nee-huh, of Och-gib-de-yuchanee.  
 Coosa-mico,  
 Euchie-mico,  
 He-jeh-de-mar-tlah,  
 Tustenuggee, of Tallassee,  
 Samuel Mauack,  
 Tuckabatchee-Fixico,  
 The Dog King, of Du-was-sah,  
 Tallassa-hajo,  
 La-de-mah-dah-huh,  
 Coo-sate-hajo,  
 Oh-la-bis se-hajo,  
 Ne-hah-thlacco,  
 Tush-kik-hajo,  
 Ah-dus-see-pecholo,  
 Tustennuggee Chubco,  
 Yah-lah-yeoholo,  
 Joo-il-le-hajo,  
 Go-jus-mico,  
 Tuske-nee-huh,  
 Ycholo-mico,  
 Tuske-nee-huh,  
 Mad Wolf,  
 Ah-tha-na-hajo,  
 John Stidham,  
 Oh-nis-mico,  
 Joo-har-joo,  
 Tuske-nehuh, of Jo-yah-huh,  
 Choo-gah-le-see-Tustenuggee,  
 No-goh-sec-Yoholo,  
 Tustenuggee-Chubco, of O-bit-thlacco,  
 Goh-wee-mar-tlah,  
 Tul-mar-see-Emar-tlah,  
 Oh-soch-Fixico,  
 Ko-was-sah-de-matie,  
 Spo-kok-hajo,  
 Tus-koo-ne-hajo,  
 Ma-dour-hajo,  
 Oh-gil-be-sah-we-huh,  
 Ah-dus-ne-hah-thlacco,  
 Coweta-Tuske-nu-huh,  
 Ok-jai-ya-Fixico,  
 Mad Tiger,  
 Oakesuskee-Yeoholo.

The annexed paper was interpreted by the United States' Interpreter, Col. Hamby, we standing by to see that he did so correctly. He did so to our satisfaction.

**WILLIAM M'GILVERY,  
BENJAMIN HAWKINS,  
CHARLES CORNELLS,** his x mark.  
*Interpreters.*

We, the undersigned, were present, in the open Council in the Creek nation, when the annexed communication was presented to General Gaines, as the talk of all the Chiefs and head men of the Creek nation; heard it all interpreted to them after they had delivered it, sentence by sentence, and witnessed the individual acknowledgments of the Chiefs, regarding the assertions that the said paper contained the sentiments of all the Chiefs of the Creek nation, in Council assembled, and their assertions, that it also contained the sentiments of the Creek nation.

|                    |   |                      |
|--------------------|---|----------------------|
| ISAAC SMITH,       | } | <i>Missionaries.</i> |
| LEE COMPERE,       |   |                      |
| WHITMAN HILL,      |   |                      |
| WM. W. WILLIAMSON, |   |                      |
| J. A. HASCALL,     |   |                      |
| S. ROCKWELL,       |   |                      |
| LEWIS,             |   |                      |
| JESSE WALL,        |   |                      |
| LUTHER BLAKE,      |   |                      |
| WISLEY WILLIAMS,   |   |                      |
| DRURY SPAIN.       |   |                      |

*Broken Arrow, June 29, 1825.*

No. 1.

*Resolution of Creek Council.*

**COUNCIL HOUSE, BROKEN ARROW,**

*Creek nation, 29th, June, 1825.*

*Resolved by the Chiefs and Warriors in Council assembled, That, after a suitable consideration, which the nature of the case demands, they solemnly and strictly declare, for themselves, and for the whole Muscogee nation, that all of the late Gen. McIntosh's party, who have opposed the laws of the nation, are hereby pardoned, to all intents and purposes; and they are, hereby, invited to return to their usual places of abode, or elsewhere, and there to dwell, in the full enjoyment of peace and security, and of all the rights and privileges guaranteed to them by our laws. The property which they have with them, and that which is in this nation, owned by them when they left it, is theirs. Such of their property as may have been lost or destroyed, contrary to the known laws of the nation, which once belonged to Gen. McIntosh, or Samuel Hawkins, and others, shall be restored or paid*

for, to the proper owners, by the nation, whenever it shall appear, to the satisfaction of the United States' Agent, after hearing both parties in Council, that it was, or any part of it, taken or destroyed, contrary to the laws of the nation. Either party may appeal from the decision of the Agent, to the Secretary of War, whose decision in the case shall be final.

Some individuals of the pardoned party, are justly indebted to the nation for moneys borrowed, in different amounts, and otherwise, for which the nation expect to be paid; but the authorities of the nation will wait patiently, a reasonable time, until these debtors can be prepared to reimburse the National Treasury.

In every case, at all times, these misguided and unfortunate people, are required to conform to the laws of the nation, and to obey and respect the proper authorities, and conduct themselves as good citizens of the nation.

A general talk shall be given in public, and observed by the whole nation, that these people shall be secure in their persons and property. Any person or persons who shall kill any of the pardoned party on any pretence, for past offences, shall suffer death; and it is clearly to be understood, that they are to be, in no respect, punished or held accountable for the past; but are, in future, subject to all the restraints of the law, and entitled to the privileges of good citizens.

Done in Council, and subscribed in behalf of the whole nation.

Tustenuggee-Hopoi, or Little Prince,  
Tus-kee-nee-huh,  
Hopothleyoholo,  
Yoholo-mico,  
Tustenuggee-malo,  
Okfuskee-yoholo,  
Mad Wolf,  
E-mor-tlah Yoloho,  
Hopoi-hajo,  
Mad Tiger,  
Tus-kee-nee-huh, of Cusseta.

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No. 2.

*General Gaines to Governor Troup.*

**HEAD QUARTERS, EASTERN DEPARTMENT,**  
*Creek Nation, July 1, 1825.*

SIR: I had promised myself the pleasure of sending you a detailed account of my conference with the Indian council at this place, by this day's mail; but the mail is on the point of closing, and my account is not ready.

I have, therefore, only to say, that the council here promise to be peaceable, and to settle their differences with the friends and followers of Gen. McIntosh upon just principles.

They protest against the treaty. They refuse to receive any part of the consideration money, or to give any other evidence of their acquiescence in the treaty. But they have, in the strongest terms, deliberately declared, that they will not raise an arm against the United States, even should an army come to take from them the whole of their country ; that they will make no sort of resistance, but will sit down quietly, and be put to death where the bones of their ancestors are deposited, that the world shall know that the Muscogee Nation so loved their country that they were willing to die in it, rather than sell it, or leave it. This was their mode of expression, as interpreted in presence of B. Hawkins, and several other interpreters, who were instructed to state whether or not the public interpreter did his duty. The council, fully attended, has thus appealed to our magnanimity—an appeal which never can be unavailing, when addressed to citizens of the United States.

With great respect, I have the honor to be,

EDMUND P. GAINES,

*Major Gen. Comdg.*

To Governor TROUP.

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No. 3.

*M. J. Kenan to Lieut. Butler.*

CRABTREE'S, CREEK NATION,

*Jan'y 3d, 1825.*

SIR: I am directed by the Commissioners on the part of Georgia, to acknowledge the receipt of your communication of the 1st instant, detailing at great length the reasons assigned by Hopoithle Yeohola, and other chiefs, for declining the proposition of the Georgia Commissioners to be "examined in private." No such requisition as this, Sir, has as yet been made ; nor was it ever intended. The wish and request of the Commissioners was, that he, together with other chiefs, should be examined separately and apart, and under every restriction and safeguard which the General, the Special Agent, and the counsel for the Agent, might suggest.

In replying further, I have been directed to say to you, that the Commissioners believe the statements attributed to Hopoithle Yeohola to have been interpreted to you in the manner related. But that, if the Recording Angel was to make such a statement, as coming from Hopoithle Yeohola, they should still be incredulous and of little faith. In making this declaration, they wish not to be understood as intending any insinuation the most remote against the majesty of him who sits enthroned in justice, wisdom, and truth, and who they believe is at this moment taking special cognizance of the transactions of men ; but to convey to you in the strongest terms the utter and unavailable

attempt to impose such statements on the representatives of Georgia, as the unaided effusions of the Speaker of the Council of the Creek nation of Indians. They most conscientiously believe that every person who possesses an acquaintance with their situation and capacities, and who would be governed in their opinions and belief by the dictates of truth and impartiality, would irresistibly conclude that this is not the language of an untutored savage. No, Sir; they believe it to be the work of that "wily and perfidious individual whose life and character have been too much diversified, and too strongly marked, to make him a fit officer of public trust;" of him who, if half that is said be true, is the most corrupt and unprincipled being that disgraces and dishonors even Indian society; of him who, it is said, was the faithful pilot to Pakenham's army in their advance upon New Orleans; who, it is also said, was the commander of a large detachment of Seminole Indians in the late war, and afterwards commanded a celebrated negro fort on the Apalachicola, at the close of the war; and who, to cap the climax, is, at this time, the trustworthy and confidential interpreter of your Government. And this, Sir, is the immaculate individual, whose vices and whose crimes are proverbial, who, under the specious pretext of an Indian talk, is licensed to abuse indiscriminately the Government of Georgia, its public functionaries, and its citizens. From such an Administration, and such Agents, may we speedily obtain a happy and constitutional deliverance. It is due to the Commissioners, and to the legitimate authorities of Georgia, to say thus much; and not from any respect to the individual who is the subject of it: for, if he alone had been concerned, a moment's reflection would not have been bestowed on him. You will no doubt think the remarks concerning Mr. Hambly to be acrimonious. They are nevertheless deemed just and necessary to a vindication of their conduct, and the respectable citizens of our much beloved State; upon whom, of late, copious showers of slander and abuse have been gratuitously and wantonly poured.

An allusion has been made to the Reverend L. Compere. A passing remark will suffice on that subject. The Commissioners think him a fit associate and companion of the Interpreter of your Government; and they are confirmed in this opinion, from the reflection that he has, with the most unblushing effrontery, made public a statement relative to the late disturbances in the Creek nation, which he refuses to confirm by affirmation, or oath—a statement with which truth has no connection. And they are justified in the conclusion, that, when gentlemen of his cloth turn hypocrites, and degrade the dignity of their office, they become the most mercenary and deceitful revilers of truth, regardless, alike of every moral principle and every sentiment which bind, govern, or influence the conduct of pious or honest men. They ask pardon of the reverend gentleman for not assigning him an honorary rank and membership in the dishonorable purpose of misrepresentation, defamation, and falsehood.

In conclusion, permit me to remark, that no offence is intended you in this reply. They wholly disclaim any such wish or intention. Your deportment has been marked with more courtesy and respect

than any other public functionary belonging to your mission, with whom they have transacted business.

Very respectfully,

Your obedient servant,

M. J. KENAN,

*Secretary to the Mission.*

Maj. BUTLER, *Princeton.*

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No. 4.

*Lieutenant Butler to the Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, July 3, 1825.*

GENTLEMEN: Your communication of this date is now before me. The remarks which I submitted to you, yesterday, were, as I then informed you, "for your information and satisfaction;" and I owe it to Georgia and to myself to say, that delicacy would have prevented me from furnishing those remarks had you not urged the separate (not private) examination of certain Chiefs, after they had positively declined, in presence of Colonel Williamson, to meet you out of council.

If, in using the expression "examined in private," in contradistinction to examined in council, I did not convey your meaning, I hope you will pardon me.

In replying to your remarks concerning the incapacity of Hopothleycohola, I cannot but express to you, gentlemen, the pride and satisfaction I experience in being afforded an opportunity of offering my feeble testimony to the independence, frankness, and astonishing natural abilities, which so eminently distinguish this noble warrior. There can exist no reasonable doubt of the extraordinary powers of his comprehensive mind. I have seen them elicited on various occasions, through the medium of four different Interpreters; and witnessed by men of talents and integrity.

So far as relates to Mr. Hambly, United States' Interpreter, I beg you will forgive me for not concurring with you in your opinion. I have no reason to doubt his integrity: and when I say he possesses the confidence of Andrew Jackson, with whom he served on trying occasions, I offer you the highest evidence I can afford of his integrity, at least so far as he was concerned with the Seminole Indians, and at New Orleans.

Of the correctness of his interpretations before the council, I will merely remark, that it is confirmed by the testimony of four Interpreters, one of whom belongs to the McIntosh party, and had been selected by the Georgia Commissioners.

The importance of my official duties prevents me from replying more fully to your communication: but, while I tender to you my most respectful acknowledgments for the complimentary manner in which you mention my deportment, I spurn your insinuations against

the General Government, under which I have the honor to hold a commission.

Very respectfully,

Your obedient servant,

E. G. W. BUTLER,

*Aid de Camp and Secretary of the Mission.*

Col. W. JOURDAN,

W. WILLIAMSON,

} *Georgia Commissioners.*

*At Crabtree's, Creek Nation.*

No. 5.

*Georgia Commissioners to General Gaines.*

UCHEE BRIDGE, July 3, 1825.

Maj. Gen. E. P. GAINES.

SIR: We have this evening received a letter from Major Butler, as Aid-de-camp and Secretary of the mission, in which we find he has made a mistake. We notice it, that it may be corrected. Major Butler states, that, "of the correctness of his (Hambly's) interpretations before the Council, I will merely remark, that it is confirmed by the testimony of four interpreters, one of whom belongs to the McIntosh party, and had been selected by the Georgia Commissioners."

In the employment of Benjamin Hawkins, (for we presume he is the one alluded to,) as an Interpreter, we must positively disclaim any agency, even a recommendation. It was a matter about which we were not consulted; and the first intimation we had of it, was your declaration, at the time you were about entering into the conversation with Little Prince, (and at which you had invited us to attend,) that "you had brought him with you as a check upon the other Interpreter." We then expressed ourselves satisfied with the arrangement you had made.

Instead of answering to the interrogatories submitted by us to Kendal Lewis, we this morning received the interrogatories themselves, with information that he had absented himself. We are, therefore, under the necessity of requesting you to issue an order that he may be brought before us for examination.

We would be glad to have copies of the talks which have passed between yourself and the Indian Council, either in writing or which were taken down by Major Butler, that we may be able to lay them before the Governor of Georgia. As Major Butler may be very much engaged, our Secretary, Mr. Kenan, will take great pleasure in making the transcript, and he will only have to subjoin his certificate, after he has examined them.

With considerations of high respect,

We are, Sir, your obedient servants,

SEABORN JONES,

WARREN JOURDAN,

WM. W. WILLIAMSON,

WM. H. TORRANCE,

*Commissioners.*

Maj. Gen. GAINES, *Princeton.*



## No. 6.

*Lieutenant Butler to Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, July 4, 1825.*

GENTLEMEN: I am instructed by Major General Gaines to reply to your letter of the 3d instant.

You say that I was mistaken in my remark that one of the Interpreters (meaning Hawkins) "*had been selected by the Georgia Commissioners.*" You acknowledge that you expressed your satisfaction with General Gaines' arrangement of using Hawkins as a check upon the United States' Interpreter; and, in your communication to General Gaines, of the 1st instant, you remark: "*We shall object to Colonel Hamblly as an Interpreter: we shall select Hawkins.*"

The General further instructs me to say to you, that Kendall Lewis declared to him that he knew nothing but from reports; and, if he has refused to give his testimony, he has not the power to compel him. That the authenticity of the Indian talks having been denied by the Commissioners, he deems it proper to retain them until they can be officially promulgated: and, finally, that his courtesy having been impeached, notwithstanding his efforts to meet the wishes of the Georgia Commissioners, so far as was consistent with his official duties, he thinks it proper that their correspondence should cease.

Very respectfully, your obedient servant,

E. G. W. BUTLER,

*Aid de Camp, and Secretary of the Mission.*

To Col. S. JONES,

W. JOURDAN,

W. W. WILLIAMSON,

W. H. TORRANCE,

} *Georgia Commissioners.*

## No. 7.

*General Gaines to the McIntosh Party.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, July 3, 1825.*

FRIENDS, CHIEFS, AND WARRIORS: I have seen the red people whom you suppose to be your enemies. I have heard them, and the evidence they have offered in their defence. They consist of the principal chiefs of the Muscogee nation, and of more than nine-tenths of *all* the chiefs and head men of the nation. I met them, in council, at the Broken Arrow, the usual place of holding the great National Council. I have received from them the most deliberate assurance of their willingness and determination to be friendly, and to be just to you and to the United States. They assure me that they never intended to injure you, or your property. They regret the necessity which they believe existed for the measures they adopted against those charged with violating their laws. They invite all of you to return to your homes, and to live in peace with them, as one family. They promise

you protection and security in your persons and property. Your property in the nation, and that now with you, will remain your own. Whatever has been destroyed or taken contrary to law, will be restored to you, or paid for as soon as it can be ascertained; and a reasonable time will be allowed to those who have borrowed money from the National Treasury, to reimburse the same.

Assured of your willingness to comply with the just and pacific wishes of your Father, the President, and to prevent a ruinous war, which none but the worst of mischief-makers can desire, I have to request you to meet me at Marshall's Ferry, on Flint river, on Friday next, when I will communicate to you the measures taken to ensure an exact fulfilment of all the promises which have been made to me in your behalf, and for your subsistence at the military post which I shall establish in the nation.

Your friend,

EDMUND P. GAINES, *Maj. Gen. Com'g.*

To the McINTOSH PARTY.

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No. 8.

*McIntosh Party to General Gaines.*

9th July, 1825.

GENERAL: Your talk to-day we have heard, and have had it under consideration. We do not doubt but what you have acted agreeable to your instructions from the President, our Father, and we must express our thanks for your exertions in our behalf. We are sorry that there was a necessity for our leaving our homes, and, if every thing should have gone on as it ought to have done, it would never have been the case. We have been most cruelly imposed on. We were of the opinion, when we were treated with for the late land, that the President, our Father, had instructed the Commissioners to treat with us, to the exclusion of others of the Creek nation; and, particularly, that we were to be protected from the encroachments of the whites, and the hostilities of all others; which certainly implied the Indians who were our enemies in consequence of signing the late treaty. When we signed the treaty, we calculated to move, in a short time, West of the Mississippi; but now, Sir, in consequence of the death of that man, who was able, and had wisdom to manage for us in that far country, we most sincerely protest against leaving the country, inasmuch as that sacred promise, which was made to us, that of protection and satisfaction in the event of depredations being committed, has been most cruelly violated. That promise was the cause of our agreeing to the treaty, with that of being moved peaceably to a fine country. This promise was made as if though it came from the President, our Father, and we had no other calculations.

The consideration of the treaty, as we viewed it, has not only been violated in our case, but in many instances. Therefore, we see that the President, our Father, has advised measures, and you, who we have every confidence in, have promised that those measures shall be

complied with. We shall acquiesce in your proposition. It will be necessary for us to be furnished with provisions until we can make them. We urge, if it is consistent with your instructions, that such as those who have families and stock, be permitted to draw provisions for a number of days together, so that they may have it in their power to take care of their property. Their situation to you, probably, is unknown. Their cattle and property is very much scattered, of which it will take some time for us to gather it together. We further beg leave to state to you, that we have no desire to go to the nation, until your troops arrive, and are stationed at the post designed for them.

It will be very inconvenient for us to get provisions from Fort Mitchell. It will be tended with less expense to the Government for provisions to be deposited on the Chattahoochie, in different places, or on Flint river: for there are a number of our people who have crops, and will liberally divide with us who have none. Therefore, we request that you will make a small station of your troops somewhere on Flint river, and one, also, high up on Chattahoochie river—say at General McIntosh's Ferry. It will not be needed very long.

On taking our leave of you, we do assure you that no hostilities on our part are intended to the Indians in the nation, should they continue to keep the promise they made to you. You are requested to inform our Father, the President, of the same; for which we will ever be,

Your most humble servants, &c.

JOSEPH MARSHALL,  
WILLIAM MILLER,  
INTERLIFKEE,  
ARPEKAR TUSTENUGGEE,  
*Chiefs in behalf of their Party.*

To Maj. Gen. GAINES, *U. S. Army.*

No. 9.

*Governor Troup to General Gaines.*

EXECUTIVE DEPARTMENT,

*Milledgeville, July 4, 1825.*

SIR: I had the honor to receive your letter of the first instant, this morning, for which be pleased to accept my thanks.

How does the obstinate refusal to remove, consist with the universal consent given at one time to the treaty at the Indian Springs, with the exception of the Took-au-batchies, or with the report made by Hamblly to Col. Williamson, that he had the yea or nay in the matter, and by the authority of these same People, or the placid contentment and good feeling for McIntosh manifested in their talk to Colonel Lamar, &c.? I much fear this ardent love of country is of recent origin. We can scarcely believe that the *amor patriæ* is all upon the one side, and that side the hostile one. Will you not be able to discover in the course of your investigation that every thing had been said and done by white men to prejudice them against their new home?

It is indeed a pity that these unfortunate men should be the dupes of

the most depraved of our own color, and so far the dupes as to be made to act in direct repugnance to their own best interests. It is more to be lamented that the impostors and knaves cannot be dragged from their hiding places and punished. Presupposing these unhappy People to continue blind and obdurate, the utmost which your Government can do, in the spirit of magnanimity and forbearance, will be to relinquish the benefit which would result to it from the execution of the treaty, and guarantee to them, for their permanent home, the lands West of the Georgia line. If the Cherokees continue to conduct themselves in like temper, the like provision may be made for them; but how will this accord with the recent policy adopted by the United States, or with the substantial and lasting interests of the Indians? In every estimate of humanity, it would be better that this deceitful charm, by which they are bound, should be broken and dispelled; that, after adjustment and reconciliation of differences, the entire body should move, without sorrow, to the country allotted to them. I am persuaded that no efforts of yours will be unessayed to accomplish this most desirable and holy end—holy, I say, because it is the only one which can consist with their peace, safety, and happiness.

Pardon me for throwing out these hasty and desultory reflections; they have, no doubt, presented themselves to your own mind. Presuming that the followers of McIntosh, who almost exclusively occupy the Georgia lands, will remove, and that, in their present unsettled condition, it would be very desirable to them to do so, whilst it would save the United States the expense of their maintenance and support here, I would feel myself obliged, if consistently with your duty, you would give every encouragement to such dispositions.

With great consideration and regard,

G. M. TROUP.

To Maj. Gen. GAINES.

No. 10.

*General Gaines to Governor Troup.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Flint River, July 10th, 1825.*

SIR: The excessive heat of the weather, added to the many inconveniences and interruptions which I have daily encountered in the course of my visit to the Creek nation, has deprived me of the pleasure of writing to your Excellency as often or as fully as I have been desirous of doing.

I have now the honor, without entering into details that could afford but little interest, to communicate to you the result of my conferences with the Indians.

After meeting, in this State, the chiefs of the McIntosh party, and, at Broken Arrow, those of the opposite party, and hearing their respective statements, with the evidence for and against each party, I have urged them to an adjustment of differences; to which they have mutually assented. The McIntosh party demanded retaliation for

their fallen chiefs, with the immediate restoration of property taken or destroyed. Their demands were founded on the 8th article of the treaty of February last, which promises, on our part, protection to the "emigrating party," against the whites and all others; which party they (the followers of Gen. McIntosh) assume themselves exclusively to be. Whether this provision of the treaty was, or was not, intended to protect the Creek Indians against themselves, or to protect a comparatively small part of them against the main body of the nation, were questions which I was, happily, not called upon to decide; as, in the event of hostilities having subsided, my instructions simply required me to make peace upon just principles, and to require the complainants, as well as the opposing party, to abstain from acts of retaliation or violence. The reputed hostile party consists of all the principal chiefs, and of nearly *forty-nine-fiftieths* of the whole of the chiefs, headmen, and warriors, of the nation; among whom I recognized many who were in our service during the late war, and who, to my certain knowledge, have been for twenty years past (and I think they have been at all times) as friendly to the United States as any of our Indian neighbors could have been known to be. I met them at Broken Arrow, the usual place of holding the great Council of the nation. I could not, therefore, but view this supposed hostile party, as in fact and in truth, the *Creek nation*, and altogether free of the spirit of hostility ascribed to them. I have received from them, in council assembled, the most deliberate assurance of their determination to be peaceable and friendly towards their absent people, as well as towards the United States.

They regretted the necessity which they contend existed for the strong measures they adopted against General McIntosh, and others, who they affirm forfeited and lost their lives, by having violated a well known law of the Nation. They have engaged to restore all property taken, and to pay for all that has been destroyed, contrary to law; and they have promised to allow a reasonable time for those who have borrowed and run off with money out of their National Treasury, to reimburse the same. The council strongly and unanimously objected to the late treaty, as the offspring of fraud, entered into contrary to the known law and determined will of the Nation, and by persons not authorized to treat.

They refused to receive any part of the consideration money, due under the treaty, or to give any other evidence of their acquiescence in it. In conclusion, they expressed the hope that their white friends would pity their deplorable condition, and would do them the justice to reconsider and "undo that which has been wrongfully done."

I have, pursuant to my instructions from the Department of War, endeavored to convince the Council, but without success, of the fallacy of their objections to the treaty, and to dissipate their delusive hopes that it can ever be annulled. I have assured them that, in all our treaties with the Powers of Europe, as well as with near fifty Indian Nations, there has not been one instance, to my knowledge, of a treaty having been revoked or annulled, after being duly ratified, except by the free consent of all the parties to it, or by war.

I yesterday met in Council, near Joseph Marshall's Ferry, the Chiefs of the McIntosh party, and communicated to them the proposition of the Council at Broken Arrow, to which they have acceded. They promised to return to their homes as soon as they are advised of the arrival of the United States' troops ordered from Louisiana and Pensacola to the Creek Agency, at Chattahoochie. The chiefs of both parties have distinctly and solemnly assured me, that they will remain at peace with each other, and that they will, in no case, raise an arm against the citizens of the United States. Under these circumstances, it is my duty to notify your Excellency, that there will be no occasion for calling into service any part of the militia or volunteers of the State over which you preside. The certificate, of which I enclose herewith a copy, marked A, added to the declarations of the chiefs in Council, of whom Joseph Marshall was the principal and interpreter, prove that your Excellency has been greatly deceived in supposing that the McIntosh party ever consented to the survey of the ceded Territory being commenced before the time set forth in the treaty for their removal. This fact giving altogether a new aspect to the proposed survey of the land, added to a strong conviction, on my mind, that the attempt to make the survey, would be a positive violation of the treaty, and will, under existing causes of excitement, be certain to produce acts of violence upon the persons or property of unoffending Indians, who we are bound to protect; it becomes my duty to remonstrate against the surveys being commenced, until the Indians shall have removed, agreeably to the treaty. I cannot doubt that the fact disclosed by the accompanying certificate, with the concurrent testimony of the chiefs in council, will induce your Excellency, without hesitation, to abandon the project of surveying the land, before the month of September, 1826.

This will be particularly gratifying to me, as it will relieve me of the painful duty of acting, *not in concert with* the venerated authorities of an enlightened and patriotic member of the United States, to whom I stand pledged by every principle of honor, and under the solemnity of an oath, to serve them honestly and faithfully.

EDMUND. P. GAINES, *Maj. Gen. Comg.*

His Excellency G. M. TROUP,  
*Governor of Georgia.*

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Enclosure A, in No. 10.

*Certificate of Wm. Edwards and Joseph Marshall.*

We certify that we accompanied the express from Governor Troup to Gen. McIntosh, conveying the request that he would allow the survey of the land required by the treaty at the Indian Springs, to be immediately commenced. Gen. McIntosh replied, that he could not grant the request, but would call the chiefs together, and lay it before them, which was never done.

WM. EDWARDS,  
JOSEPH MARSHALL.

*At Portless, Upson county, July 9, 1825.*

No. 11.

*General Gaines' order to Lieutenant Butler.*

HEAD QUARTERS, EASTERN DEPARTMENT,

July 16th, 1825.

Lieutenant E. G. W. Butler, will repair, forthwith, to the residence of Major Meriwether and Col. D. Campbell, and present to them jointly, or severally, my order for the two hundred thousand dollars placed in their hands as Commissioners, which sum I have been authorized by the Department of War to receive. Lieut. Butler will receive the said two hundred thousand dollars, and deposite the same in the Branch Bank of the United States, at Savannah, to the order of the Secretary of War, and report to me at Augusta, Georgia.

EDMUND P. GAINES,

*Maj. Gen. Commanding.*

I certify that this is a true copy from the original order.

E. G. W. BUTLER, *Aid-de-Camp.**Lieutenant Butler to Colonel Campbell.*

AUGUSTA, GEORGIA, August 9, 1825.

SIR: Pursuant to the above order, I request that you will turn over to me the two hundred thousand dollars, placed in your hands for disbursement, under the 5th article of the Treaty, concluded at the Indian Spring, on the 12th of February, 1825.

Very respectfully,

Your obedient servant,

E. G. W. BUTLER, *Aid-de-Camp.*

To Col. D. G. CAMPBELL,

*United States' Commissioner.*

No. 12.

*Colonel Campbell to Lieutenant Butler.*

AUGUSTA, 8th August, 1825.

SIR: I have received your note of this date, accompanied by a certified copy of an order of General Gaines to yourself, in relation to the fund intended as the first instalment under the treaty lately concluded with the Creek Nation of Indians. The Commissioners had received from the Department of War, instructions, under date of the 18th May, to hold said fund, "if it had not been paid over to the Chiefs," subject to the order of General Gaines. Previous to the receipt of this communication, however, the Commissioners had disbursed, of the fund, the sum of eight thousand six hundred and thirty-one dollars. These disbursements consist of moneys advanced to Chiefs, who were on the eve of setting out to explore their contemplated residence beyond the Mississippi; to the Deputation who visited Washington City after the massacre of McIntosh; to the family of

McIntosh, immediately after his death; to Chiefs who visited Milledgeville, in May; and other small items, as per account shewn you, and to be returned to the Treasury Department.

The balance of one hundred and ninety-one thousand three hundred and sixty nine dollars, is ready to be passed under the order of Gen. Gaines to the credit of the War Department.

In making this transfer, it is due to myself, and the Bank of Augusta, that the understanding which has been entered into between us, should not only be stated, but also preserved. The fund, as *remitted*, was in a Treasury draft upon the United States' Branch Bank, at New York. This was negotiated at the Bank of Augusta, under the agreement that fifty thousand dollars of the proceeds were to be paid in specie, or bills of the Bank of the United States, as I might elect, and the balance in bills of the specie-paying banks of this State. Keeping the principle of this understanding in view, the Commissioners now conform to the direction of the Secretary of War, and the order of General Gaines.

The Commissioners are not tenacious of any supposed honor or profit which might arise to them in the disbursement of this fund, but in their acquiescence in the proposed arrangement, they would not be considered as waiving any of the rights or obligations created by the treaty.

I have the honor to be, Sir,

Your obedient servant,

DUNCAN G. CAMPBELL.

Maj. E. G. W. BUTLER, *Augusta*.

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No. 13.

*Certificate of E. P. Daniels, and others.*

ZEBULON, PIKE COUNTY, GEORGIA,

26th August, 1825.

This is to certify that we were present some time in January last, at Major Brodnax's, in the town of Newnan, when General McIntosh, Col. Hawkins, and several other Indians were there on their way, as they stated, to Washington city, to see the President, themselves, for the purpose of selling their land, or swapping it for land over the Mississippi, and wished Major Brodnax to do their writing; that they wanted to remonstrate to the President concerning difficulties in the nation; and one of these difficulties was, that the Indians, under the influence of the Little Prince and Big Warrior had, some time before that, met in the Grand Council Square, and passed a decree or law to kill any Indian Chief who proposed selling land to the Whites. This statement we particularly heard from Gen. McIntosh and Col. Hawkins; and if they should effect a treaty with the President, they should require protection, or there would be considerable difficulty



in their returning to their homes, and these were reasons why they wished to go on and see the President themselves.

Given under our hands the day and date above written.

E. P. DANIEL,  
LEWIS DANIEL,  
THOMAS STEWART,  
GILBERT FAULKNER.

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No. 14.

*Allen M. Prior's Certificate.*

ZEBULON, (GEO.) 26th August, 1825.

I do hereby certify, that I was in Newnan some time in the latter part of January last, when Gen. Wm. McIntosh, Samuel Hawkins, and several other Indians were present, and, as they stated to me, on their way to Washington City.

After getting acquainted with McIntosh and Hawkins, (both of whom spoke the English language well enough to be understood perfectly well,) McIntosh related to me the circumstance of the Indians' edsign to kill him at the Treaty Ground at Broken Arrow, which but a short time before had taken place, and that he had to run off from the treaty ground in the night, and had since been guarded by his warriors. The Indians of the opposite party, he stated, supposing him in favor of a sale of their lands. General McIntosh and Hawkins then related to me that, some time before the treaty at Broken Arrow, the Indians opposed to the treaty had met in the Grand Council Square, and decreed the death of any Chief who should offer to sell any of their lands; and both stated that they were going to the President, and would make a treaty with him, if the President would protect them and their people.

ALLEN M. PRIOR.

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No. 15.

*Wm. O. Wagoner's Certificate.*

DE KALB COUNTY, (GEO.)

September 10, 1825.

I certify that, on or about the 17th of May, 1825, I saw a letter written by General Alexander Ware, and directed to the Chiefs of the Sand Town Indians, *commanding* them, with all their Indians, to come over and draw rations at his camp; otherwise, they would be considered as hostiles, and reported to the General Government, and

that the United States would treat them as hostiles ; or words to that effect.

**WM. O. WAGNON.**

Witnesses :

**WM. H. BELL, Lt. U. S. Army.**  
**LUTHER BLAKE.**

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No. 16.

*Certificate of John Kizer and Mark Hudspeth.*

**DE KALB COUNTY, (Geo.)**

*September 9th, 1825.*

We certify that, on or about the 17th of May, 1825, we saw a letter purporting to be written by General Alexander Ware, and directed to the Chiefs of the Sand Town Indians, commanding them to come over and draw rations at his camp, otherwise they would be considered as hostiles, and reported to the General Government : and that the United States would treat them as hostiles, or words to that effect.

**JOHN KIZER,**  
**MARK HUDSPETH.**

Witnesses :

**WM. A. BELL, Lt. U. S. Army.**  
**LUTHER BLAKE.**

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No. 17.

*James Black's Certificate.*

**FAYETTE COUNTY, (Geo.)**

*September 10th, 1825.*

I certify that, on or about the 17th of May, 1825, I brought a letter from General Alexander Ware, and directed to the Chiefs of the Sand Town Indians, commanding them, with all their Indians, to come down to his plantation, where the other Indians were, and draw rations ; otherwise, they would be considered as hostiles, and reported to the General Government, and the United States would treat them as such, or words to that effect.

**JAMES BLACK.**

Witnesses :

**WM. H. BELL, Lt. U. S. Army.**  
**LUTHER BLAKE.**

No. 18.\*

*Georgia Commissioners to General Gaines.*

CRABTREE, 1st July, 1825.

DEAR GENERAL: We shall attend, to-day, at the hour of 2 o'clock, P. M., to take the testimony of the Little Prince, Opoethle Yoholo, Sandy Eraison, John Riley, and Benjamin Hawkins, of which you will please inform Colonel Crowell.

It is not our intention to have the examination in the Square, because it will be very lengthy, and there will be no convenience for our Clerk to take down the answers. We shall object to Col. Hambly as an Interpreter: we shall select Hawkins. We wish Col. Crowell to select another. You will please invite the above witnesses to your quarters, where, by your permission, the examination will take place.

Very respectfully, yours, &c.

WARREN JOURDAN,  
WM. W. WILLIAMSON.

To Maj. Gen. E. P. GAINES,  
*Commanding at Princeton.*

- \* This letter should have been numbered 3, but was mislaid.

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*Major Andrews to the Secretary of War.*

CITY OF WASHINGTON,

October 7th, 1825.

SIR: I have the honor to enclose you certain papers marked from No. 1 to No. 3, as follows:

No. 1, is the affidavit of Major Samuel Rockwell, of Milledgeville, Georgia, Attorney of Colonel John Crowell, the Creek Agent, which shews the fairness of the Indian Agent, in the manner of taking his testimony in the late investigation, and the unfairness of the Commissioners of Georgia towards the Agent, as exhibited in their manner of proceedings and taking testimony. &c.

No 2, is an original letter from the late General William McIntosh, one of the Chiefs of the Creek nation of Indians, addressed to "the President of the National Council of the Cherokee Indians," in which said McIntosh attempts, (ineffectually,) to bribe said Ross and other Cherokee Chiefs, to betray the interests of their nation. It has been shewn, conclusively, it is thought, in the general report which I have had the honor to lay before you, that said McIntosh betrayed his own people; and it is believed, this document will shew, that he was not only willing to betray his own nation, but that he had been made use of as an instrument to corrupt the Chiefs of other Indian nations.

I beg that *those* documents may be annexed as a part of my report, dated the 1st of August, at Milledgeville.

I have lately understood, that copies of the reports of the Commissioners of Georgia, have been forwarded to, and placed on file in the Department. A large portion of these reports is taken up in personal accusations against individuals, the undersigned among the number. Having made a public reply to the accusations of the Commissioners, I take the liberty to enclose you a printed copy of the same, (No. 3.) and beg that it may be placed on file with the reports referred to. I trust your Excellency will not consider this an unreasonable request, when it is recollected how intimately the character of the Government, and the conduct of its Agents are connected, and how painful it would be, to one of its Agents, (conscious of rectitude,) to know, that injurious allegations were on file against him, (to be, perhaps, hereafter referred to,) without his having the privilege of filing a reply, to accompany them.

I have the honor, &c.

T. P. ANDREWS,  
*Late Special Agent.*

The SECRETARY OF WAR.

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Enclosure No. 1.

*The Statement of Samuel Rockwell.*

The undersigned states, that he was engaged as Counsel for Colonel Crowell, in the investigation of the charges preferred against him by the Governor of Georgia, and in that capacity he reduced to writing the testimony of the following witnesses in behalf of Colonel John Crowell, in which he preserved, in most instances, the very words of the witnesses, in all the ideas they intended to convey, viz: William Harbly, John and Andrew Berryhill, L. B. Nicholls, Ly-sander Burwick, Lewis Wynn, Samuel Srells, William Lott, Jesse Wall, James Randell, Enoch Johnson, Nimrod Doyle, Drury Spain, John Buchanan, Joseph Hardage, John H. Brodnax, John Winslett, and Luther Blake. During the examination of the foregoing witnesses, Colonel Crowell did no more than suggest to his counsel the points to which he desired the examination to be directed. Written and verbal instructions were given to one or more of the gentlemen composing the Commission on the part of the State of Georgia, to be present, and cross-examine the witnesses above named, except Burdick, Buchanan, and Blake. The examination of those three witnesses were taken after the Commissioners had left the nation.

On the 2d of July last, the undersigned, at the request of Colonel Crowell, presented a paper containing sundry interrogatories to be answered by Colonel Williamson, one of the Commissioners, a copy of which has been furnished Major Andrews. Colonel Williamson

read them over; stated that he would answer them; but, on the 4th July, two days afterwards, he addressed to the undersigned a letter which accompanies the evidence furnished Major Andrews, and the answer of Colonel Crowell is also furnished, refusing to answer the interrogatories. As counsel for Colonel Crowell, the undersigned requested to see the evidence taken by two of the Commissioners in Alabama, which request was refused, with the remark, that neither Colonel Crowell, nor his counsel, could see any testimony to the examination of which *he had been invited*. The correspondence on the subject of their invitation to take the testimony, has been furnished Major Andrews. The facts contained in Colonel Crowell's letter, replying to one giving the invitation to take the testimony of Lewis, and others, are substantially true as therein stated; and in relation to the distance to Lewis' from Princeton, it is 26 miles, from information received; and from the time the letter was received by Colonel Crowell, to the time fixed for the taking the testimony, but *four hours* intervened. The undersigned had, previous to the two Commissioners setting out, apprised one of them, verbally, of Colonel Crowell's intention to take testimony at Princeton, near Broken Arrow, the next day, after the breaking up of the Council. The evening upon which this notice was given, the two Commissioners departed in the direction to Lewis', and the next morning the notice was received of their intention, as before stated. Taking into view the shortness of the time, the previous notice from the undersigned, he was, and is yet of the opinion, that an intention was manifested to prevent Colonel Crowell from exercising the privilege of cross-examination according to the mode usually pursued, and to the extent which the words cross-examination imply. From the manner of the witnesses making their statements, and answering the questions propounded to them, the undersigned does not believe it would have been in any person's power to have induced them to have swerved from the truth. In every instance, before the witness was sworn, his testimony, as taken down, was read to him (the witness) slowly and distinctly, and where alterations were desired by the witness, they were made in conformity to his desire. There are many interlineations, erasures, and obliterations, in the several affidavits made by the undersigned; they were all made before the signing by the witnesses, and, before they were sworn, and in every instance, the witness was apprised of the alteration.

The undersigned noticed a circumstance connected with this investigation, and contained in the report of the Commissioners, and which relates to the refusal of Kendall Lewis to be examined. This man was summoned at the request of the Commissioners. When the examination was about to proceed on the part of the Commissioners, Colonel Jourdan presented a paper which he desired Lewis to sign. The undersigned read the paper to him; it purported to be a refusal on his part, to be examined, alleging, that the security of himself, property, and family, required that he should not give testimony against Colonel Crowell. After it was read, he said he had never

heard of it before, and had said no such thing. Upon its being remarked by General Gaines, and also by Major Andrews, that they would protect him, and to state all he knew, Lewis replied, that he knew nothing for or against Colonel Crowell. Much other conversation passed, and, finally, *he took the interrogatories* (which the undersigned desired to see, but which was refused by the Commissioners,) to answer them, and, it is understood, did answer them. Whether he ever gave them to the Commissioners or not, the undersigned does not know. It is also said, in the report, that, when the Commissioners were invited to cross-examine, they attended, and found the statement of Hambly already drawn up. Now they were invited two or three times, or at least one of the Commissioners, to the examination of this witness, with others, and the reason why more than one invitation was given in this particular instance, was, that, in a conversation with Colonel Williamson, the undersigned had informed him that Hambly had implicated him (Williamson.) This was after the first notice of the intention to examine Hambly. Col. Williamson then expressed a desire to be present when he was sworn, in which desire he was gratified. A portion, and it is believed all the Commissioners attended, and were present when Srells, Hambly, and one or two others were sworn, although two of them, as appears from their letter, manifested a disposition to decline attending at Colonel Crowell's quarters, although the buildings were, at the same time, in the occupation of several besides Colonel Crowell.

On the 4th of July last, at the request of Colonel Crowell, the undersigned addressed a letter to the Commissioners, expressing his desire to have the witnesses who were examined before the committee of the Legislature, re-assembled at some convenient place, and, at an early day, to enable him to examine them. This letter was delivered on the day of its date; a copy is also furnished Major Andrews. No answer was ever returned, or any notice taken of its contents.

SAMUEL ROCKWELL.

GEORGIA, Baldwin County.—Personally appeared before me, the above named Samuel Rockwell, and made oath to the foregoing statement, attesting its truth to the best of his knowledge and belief.

SAMUEL ROCKWELL.

Sworn to before me, this 14th September, 1825.

JOHN BOZEMAN, J. P.

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Enclosure No. 2.

Gen. McIntosh to John Ross.

NEWTOWN, 21st October, 1823.

MY FRIEND : I am going to inform you a few lines, as a friend. I want you to give me your opinion about the treaty ; whether the Chiefs will be willing or not. If the Chiefs feel disposed to let the United States have the land, part of it, I want you to let me know :

I will make the United States' Commissioners give you two thousand dollars, A. McCoy the same, and Charles Hicks three thousand dollars, for present, and nobody shall know it ; and if you think the land *woulden* sold, I will be satisfied. If the land should be sold, I will get you the amount before the treaty sign ; and if you get any friend you want him to *received*, they shall receive. Nothing more to inform you at present.

I remain, your affectionate friend,

WM. McINTOSH.

JOHN ROSS,

An answer return.

N. B. The whole amount is \$ 12,000, you can divide among your friends, exclusive, \$7,000.

Read and exposed in open Council, in the presence of Wm. McIntosh, 24th Oct. 1823.

JNO. ROSS.

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Enclosure No. 3.

## GEORGIA AND CREEK AFFAIRS.

*To the Editor of the National Journal.*

SIR : I observe in your paper of the 6th instant the three reports " of the Commissioners who represented Georgia at the late conferences with the Creek Indians." These reports were published some time in last month in the National Intelligencer ; I was then confined to bed with a bilious fever, and unable to answer them. They relate chiefly to matters of a public nature, on most of which I too have made reports—not based, however, on the same kind of foundation : mine are sustained by *evidence*, which, I trust, will be considered as full and satisfactory on every point on which it touches. Those of the Georgia Commissioners appear to rest *solely on their veracity or assertions*, which, unfortunately, (where those gentlemen are personally best known,) is not a matter of boastfulness among their neighbors. The reports verify the prediction which I made in a letter to his Excellency the Governor of Georgia, that "the pursuit by the authorities of Georgia was to be transferred from the *Indian* to the *Special Agent* of the Government." It is not my intention to enter into a discussion of any *public* matters referred to in the documents in question. Indeed, having handed in my reports, I am not at liberty to allude fully or particularly to them, until they have been made public by the Government. But, the Commissioners of Georgia, having thought proper to asperse my character, as a man, by impugning my impartiality or fairness as an Agent, I feel called on to answer so much of their reports (which have been industriously circulated through the newspapers) as relates to me personally. It

was not my wish to have a controversy with those gentlemen, but as they have made an attack on me, which was uncalled for, and unwarranted by truth or fairness, they shall not find me backward in repelling their aspersions. In doing so, it may become my duty to show that, if they are ever moved by the workings of conscience, they must hereafter, in their moments of reflection, look to the reports which I am about to notice as the record of their own misconduct. My reply will, from its nature, like most, if not all, personal publications, be of a harsh character: but that harshness will be found in the matter or facts it contains, and not in its language.

I will first, acting on the defensive, notice the aspersions of the Commissioners in the order they present themselves in their reports: I will then essay to put the Commissioners, themselves, to the wall, that they may have a fair opportunity of showing their dexterity in getting from it.

Their first insinuation is contained in the first part of the second paragraph of the first report, as follows: "From the anxiety of the Special Agent, Major Andrews, to satisfy the mind of the Little Prince as to the suspension of the Agent, Colonel Crowell, we felt anxious forebodings that we need not expect to find in him a man who sought only to extend impartial justice to the accused."

The explanation of this aspersion will be found in the following brief statement: General Gaines held a preparatory "talk" with the head of the Creek nation, I think, the day before he met the nation in council. I requested the General, in that interview, to make known to the Little Prince the fact of the Agent's suspension, and to explain the causes which produced it. This was of course necessary, from a regard to the general interests of the Government; for the information of the Indian nation; and in justice to the Indian Agent and his accusers. The Commissioners have not had the effrontery to assert that any thing was stated to the Little Prince which was not strictly true and correct; they merely complain of my anxiety "to satisfy the mind of the Little Prince as to the suspension of the Agent, Col. Crowell." After this explanation, I deem comment on this point altogether unnecessary.

In the latter part of the same paragraph, the Commissioners insinuate that I improperly withheld my opinion when appealed to by the Reverend Mr. Comperc, and the Commissioners, as to the absolute necessity of his making oath to the evidence which the Commissioners had demanded of him. I was not the keeper of the Reverend Mr. Comperc's conscience, or of that of any other clergyman or gentleman: and, having never made theology a profession, I did not consider myself capable of arguing a learned divine out of a religious scruple or prejudice. If the Commissioners intend to complain that I would not use force to compel that Reverend gentleman to do what his conscience dictated to him he ought not to do, they should recollect, that, so far from possessing that power myself, it was not in the Government even which had delegated to me all the little authority I possessed as its Agent. This complaint is so futile, that I



can see but one thing proved in it by the Commissioners, which is, that they had no just accusations to make against me, and were, therefore, compelled to resort to such charges as that now referred to. The official correspondence between the Commissioners and myself, (copies of which are annexed,) will throw further light on this charge against me, as well as others. The Commissioners can best tell why this correspondence was withheld from publication in giving their reports publicity.

In the fifth paragraph of the same report, other insinuations are mysteriously made as to an alleged suggestion of mine to General Gaines, that the interrogatories of the Commissioners to the Indians should be submitted for my examination before they were put to the Indians. These insinuations are perversions of truth. General Gaines can bear witness that I never made such a suggestion to him. I did suggest that *all* interrogatories put to the Indians (whether by the Commissioners or myself) ought to be in writing, that, through their clerks, they might have an opportunity of giving their answers in writing, and, in that way, both the interrogatories and answers might be placed on record, and beyond the possibility of misapprehension or misrepresentation. The misrepresentations and distortions of facts which have been since committed by the Commissioners, show the propriety, and, indeed necessity, of that suggestion.

In the sixth paragraph of the same report, they, for the second time, *mysteriously* allude to my being found at the house of the missionary, the Reverend Mr. Smith. This offending on my part (being found in the house of a clergyman) will be fully explained when I state a fact, (well known to the Commissioners,) that I lodged and boarded there; and that the room they say I was in, was that which I used for my bed-room, office, and parlor. They assert that the Attorney of Colonel Crowell was in the room with me when they entered the house: *this may be the fact, although my present impression is, that it was the Rev. Mr. Compere who had paid me a visit.* That the door of the room was closed, as they assert, I think is quite probable, if not certain—because that door opened into a general family parlor in constant use, and because the room I was in was occupied, as I have stated, as my bed-chamber, as well as office. That I was frequently in conversation with the Attorney of Colonel Crowell is also quite certain, because I was necessarily compelled to have a constant intercourse with him on the business which carried us both to the nation. They might have added, with truth, that I was frequently in conversation with the Agent himself. I offer these mysterious allusions of the Commissioners to circumstances which they knew to be absolutely necessary, and of a perfectly negative and innocent character, as an additional evidence that they had it not in their power to make a just allegation against me.

In the 4th paragraph of the 3d report, that of Colonels Jourdan and Williamson, they refer to my letter to Col. Crowell, suspending him from the exercise of his functions, as evidence of the Agent's case having been prejudged. As the Commissioners are courteous

enough on this occasion to admit that letter to be good evidence on any point, I will reciprocate that courtesy by an acknowledgment that that letter does furnish evidence of the Agent's case having been prejudged: there is, however, a material difference of opinion between the Commissioners and myself as to the authorities by which that prejudgment was committed.

I have thus gone through the tangible charges made against me by the Commissioners of Georgia, who, I presume, have preferred them, having none of a more manly character to offer. I shall now make some statements, from which, if they are credited, it may be inferred, that, if these charges had been true, they ought not to be credited on the assertions of those gentlemen where they are not known, and that they will not be credited on their assertions wherever they are personally known to the public.

The commission appointed to aid General Gaines, and to take all the trouble and all my little labors off my hands, consisted of the following gentlemen, who I shall take the liberty of presenting to the public in a proper manner, viz: Colonels Seaborn Jones, Warren Jourdan, William H. Torrance, and William W. Williamson, Commissioners; Captain J. S. Thomas, and Captain William Bowen, as "Marshals;" and Mr. Kenan, the Clerk of the Commission.

Colonel Seaborn Jones, who is the Aid-de-Camp of his Excellency the Governor of Georgia, is already known to the public, as the gentleman who gave a certificate of certain remarks alleged to have been made by Mr. Wirt; which remarks, however, appear (unfortunately for the veracity of the Colonel) never to have been uttered. He is considered as a general "certificate-man," who, in the absence of other testimony, will always be ready to give his certificate, or make a report, whenever the interests of the political party to which he is attached are in jeopardy. This gentleman has been publicly accused with sundry acts, which are not calculated to establish for him a high character for veracity or honor. He has been accused of having purchased, in a private, improper manner, certain personal property of a man in distress, which was liable to executions held by himself as an attorney, and, in that way, appropriating to himself property which should have been held to the uses of his clients. He has been convicted of having taken a double fee in the same interest in dispute, one of each party. He has been accused of obtaining the control of an execution on false pretences, and attempting, knowingly, to recover a debt *twice*, for his own use. He has been charged with all this "professional treachery" by a fellow member of the bar, a gentleman of property and high standing, and has never vindicated his character in a proper manner from it. The belief in their truth at his home, (Milledgeville,) is so great, that he was rejected by the People as a candidate for the Legislature.

Col. W. W. Williamson stands convicted, (in the evidence which accompanies my report to the Government,) by the testimony of numerous witnesses, of being an active instrument in the hands of the Commissioners who made the late treaty, in attempting to bribe various persons to betray their duty and honor. He is shown to have

offered a bribe of \$8,000 to the United States' Interpreter, whose character he has since endeavored to destroy, to prevent an exposure of his own corruption. He is shown by the evidence to have been paid a thousand dollars for his services, and to have received twenty-five or thirty thousand dollars of the United States' funds placed in the hands of the Commissioners who made the treaty, and to have been engaged, with that money, ever since, in speculating on negroes as a common negro trader. Such is the opinion of this man's character where he resided, and was best known, that the Grand Jury of Twiggs county Superior Court, in March term, 1822, discredited his affidavit, and pronounced the bill which he attempted to sustain by that affidavit, "no bill," malicious prosecution. I subjoin the affidavits of John Winslett, Lemuel B. Nicholls, and J. H. Campbell, to show the character, habits, and temper, of this one of the Commissioners.

Colonel W. H. Torrance. This gentleman has been convicted, within about a year, by a sentence of the Court of the place in which he resides. (Milledgeville,) of a disgraceful slander, and a considerable fine imposed by the sentence of the Court as a punishment.

Col. Warren Jourdan. This gentleman has been accused, before the public, of having screened a notorious smuggler, who had been engaged, during the late war, in smuggling a large quantity of blankets into Georgia from Amelia Island. The accusation, which was made by his neighbor, a man of high standing in society, has never been repelled; and was so far sustained by his fellow citizens, as to cause him to be rejected as a candidate for the Legislature. I regret that the attack of this gentleman on myself has compelled me, in showing their want of character and credit, to allude to a circumstance, the mention of which, I understand, gives him as much uneasiness, as did the mention to Sancho Panza of his blanketing at the tavern.

Captains Bowen and Thomas, the two Marshals, are already known to the public. By reference to the report of Mr. Wirt (made in 1822) to the President of the United States, in the case of General D. B. Mitchell, the former Indian Agent for the Creek nation, (who was convicted of having smuggled between one and two hundred African negroes into the Indian nation from Amelia Island) it will be seen that these two gentlemen, who were his deputies in office, were the instruments of General Mitchell in introducing those negroes into the nation. It will be there seen, that Captains Bowen and Thomas were the persons by whom the negroes were obtained, and carried into the Indian nation. General Mitchell was dismissed, on that report, from office; and Captains Bowen and Thomas compelled to leave the nation. Captain Thomas is now living, or connected in business, with General Mitchell, to whom he is related; and Captain Bowen has been shown, by the exposures of the Assistant Indian Agent, Captain Triplett, to have been, of late, engaged in efforts to counteract the measures of General Gaines in the Creek nation. It was Bowen who wrote the correspondence signed with the name of Gen. McIntosh, to the Governor of Georgia, relating to permission to make a survey of the lands acquired by the late treaty.

Mr. Kenan, the Secretary of the Board of Commissioners, so far as I observed, or learned any thing of his character or conduct, is a young gentleman of capacity and merit, who, at the same time that he discharged his duty to the Board and the State of Georgia, conducted himself as a gentleman towards all those who had occasion to have any intercourse with him.

I have thus attempted to show, in taking a view of their individual characters, the degree of credibility which should be accorded to the Commissioners of Georgia, who have attempted, *on the weight of their assertions or veracity alone*, to defame the character of General Gaines, the Reverend Gentlemen residing as Missionaries in the Indian nation, and myself. I shall next allude to certain *private* acts of those gentlemen, to show their character and conduct as a Board of Public Officers.

Whilst the Commissioners were in the Indian nation, it was made known to the Acting Agent, Captain Triplett, that a quantity of whiskey had been clandestinely introduced (through the woods, and at night,) into a back building in the rear of the houses at Princeton, near the Indian Council. As the sale or distribution of liquor is always prohibited in the neighborhood of an Indian Council in session, the Acting Agent had the whiskey thrown out of the vessel which contained it. Whilst the Agent was present, superintending those ordered to perform this duty, the slave servant of Colonel Jones, one of the Commissioners, presented himself, and contended that it ought not to be thrown out, as it was the property of his master or the Commissioners. Captain Triplett informed the servant, that if his master or either of the Commissioners would say so, that the same quantity of liquor would be procured immediately and restored, whatever he might think of the transaction. Colonel Jones did accordingly acknowledge that he owned it, and the restoration took place immediately. At the same time, General Gaines was informed, by the Indians and others, that Captain Bowen had visited their camps; had jeered them with the fact of General Gaines not having given them any liquor; and informed them, if they would go to the lodgings of the Commissioners, they should have as much as they wanted. The Commissioners could not have wanted the whiskey for their own use, for they, or any other persons, except the Indians, could have procured, at the house they boarded, what liquors they wanted for their own tables. The presumption in the nation was, that the whiskey was introduced to produce confusion among the Indians, through the agency of Captain Bowen.

The conduct of the Commissioners towards the Reverend Gentlemen residing in the nation as Missionaries, was of the most extraordinary character. The first question put to one of these gentlemen, (Mr. Compere, of the Baptist Mission,) a gentleman of the most pious and exemplary character, was, whether he was present with the party who killed McIntosh. Towards another, (Mr. Smith, of the Methodist Mission,) they acted, if possible, in a still more shameful manner. After giving him certain interrogatories to answer, one of the Commissioners (Colonel Jourdan) declared, before they had received his

answers, that they would not believe one word he might state, even on oath. This was known to Mr. Smith before he answered the interrogatories. The Missionaries had had, a year or two ago, as they thought, cause of complaint against the Indian Agent, because he would not compel or induce the Indians to attend preaching; but, at the same time, they accorded him the justice in stating that he had done all in his power to forward the interests of the Missionary Schools in the nation. From that cause, the Commissioners appeared to think that the Missionary Gentlemen were bound to give evidence against the Agent, on any subject or charge, true or untrue, made against him; and, when they discovered the willingness of those gentlemen to bear testimony in his favor, in matters in which they thought or knew him to be innocent, at the same time that they repeated their testimony against him on other points, their rage appeared to carry them beyond all the bounds of justice and discretion. Their deportment towards those Reverend Gentlemen, in their own house, was such, that the amiable females of their families were thrown into grief and confusion.

At the house of the Rev. Mr. Smith, the day after I reached the nation, I informed the three clergymen who were present, (Mr. Smith, Mr. Compere, and Mr. Hill,) that I wished to take their testimony for or against the Agent, on the charges made against him. They asked if I required *statements* or *affidavits* from them; at the same time that they expressed their willingness to make oath to their evidence, if the Government required it of them as absolutely necessary. They also stated, that they wished to avoid taking an oath, if it could be done with propriety. After proper reflection, I informed them, from the knowledge I had gained of their characters, and from respect to their sacred callings, I should not require an oath from them; but, if the Government considered an oath necessary, their evidence could hereafter be returned to them from Washington, time enough for them to add their affidavits. This conversation, I think, took place at dinner. Shortly after, the Commissioners came in, and made known their determination to examine those gentlemen. The Rev. Mr. Compere informed the Commissioners of the arrangement which I had made with the Missionaries, and asked if a similar one would answer the Commissioners. They informed him, with great rudeness, that it would not; and he stated to them, in reply, that, as he could see no necessity for giving them a duplicate of his evidence at all, (the Indian Agent who was under trial being an officer of, and amenable only to, the General Government,) he must decline giving it as they demanded it. The other clergymen, as well as I recollect, assented to the correctness of Mr. Compere's position; and the Commissioners, after having made use of some further harsh language towards those gentlemen, retired, declining to take their testimony in the shape proffered. They, however, afterwards applied for and received it, without the affidavit. It was for declining to interfere in the conversation referred to, that the Commissioners have charged me with a dereliction of duty: and this forms the "heard and front

of the offending" of those Reverend gentlemen, who have thus drawn down upon themselves the full measure of wrath now heaped on them. I venture to assert (and leave it to time to test the truth of the assertion) that there are not attached to any Church or Churches in this country, three clergymen of more irreproachable characters, or who are more devoted to religion and virtue, than the three gentlemen alluded to. One of them, the Rev. Mr. Smith, was a Revolutionary patriot and soldier; but who has been, for the last forty years, a minister of the Gospel. I understood, in South Carolina, that he had resided from 25 to 30 years of his life in one place (Camden) in that State, where he is now venerated for his years, his piety, and his virtues. The people of that State, to whom he is generally well known, are anxious for his return among them.

It was made known to the Acting Agent for Indian Affairs, who informed me of the fact whilst at Broken Arrow, that the Commissioners of Georgia had carried with them into the nation a large amount of money, say four to six thousand dollars!! The personal expenses of the Commissioners, (who all live within sixty miles of the Indian line, and travelled with their own horses,) could not have been more than 20 or 30 dollars apiece in the nation. For what purposes they carried so much money into the Indian country, they can best explain. If it was intended that Colonel Williamson should make, with that money, new efforts at bribing the white men in the nation, and Indian chiefs, he had bought wit enough, by experience, one would suppose, to have informed his colleagues that, although both the white men and Indians were poor, they were proof against bribery. The money was not made use of.

On leaving the Nation, two of the Commissioners (Colonels Jourdan and Williamson) went a considerable distance out of their way home, to go by the place at which the McIntosh Indians were stationed, on the Flint River, and in Georgia. One of these gentlemen (Colonel Jourdan) has had the temerity to acknowledge that he was present with one detachment of these Indians, when one of the "Marshals" of the Georgia Commission (Captain Bowen) wrote a letter, in the name of the head man of one of those little detachments, (Joe Marshall,) to Chilly McIntosh, advising or directing him not to meet General Gaines in council with his detachment, according to appointment, at the Flint River. Indeed, although from respect to their official situations, the Commissioners were treated with all the courtesy which their deportment would permit the General to show them, yet he could not but view them, as he did, judging from that deportment and their acts generally, as so many men determined on mischief, by counteracting all his pacific and just measures. The opinions which they have since appeared to express, in favor of having more blood shed among an unfortunate and distracted race of beings, who have been much and deeply injured, prove the correctness of the general opinions which prevailed in the Nation, as to their real wishes and intentions.

There is one circumstance of a public nature which I shall advert to in this reply, as it has not been alluded to in my reports to the Go-

verment, (no official act or proceeding having grown out of it,) which will tend to show the course of proceeding of the Commissioners. It is the case of *Kendall Lewis*, which the Commissioners have attempted to distort to such an extent that it can scarcely be recognised, in their reports, as the same transaction. The Commissioners had complained to General Gaines that they wished to take the testimony of Lewis, who is a tavern or stand keeper, in the Nation, and who was, as they stated, not willing to give testimony. General Gaines immediately issued an order to request that Lewis should attend, to be examined by the Commissioners: He forthwith presented himself. The Commissioners were furnished with every thing necessary for themselves and Secretary, in writing down the testimony. But the Acting Commissioner on this occasion (Colonel Jourdan) had scarcely taken his seat at the table, before he drew from his pocket an affidavit, already written, which he presented for Lewis to swear to. Lewis was asked if he had heard the paper read which was presented to him to swear to, or had any knowledge of its contents; to which he replied he had not, and that he could not subscribe or swear to any paper with the contents of which he was unacquainted. The paper was then read to him—Col. Jourdan manifesting much anger at his refusing to swear to, without reading it. It contained, in substance, an insinuation that he had important information in his possession, affecting the character of the Indian Agent, and had heard conversations held by him of a character calculated to injure him, if disclosed; but that he apprehended serious injury to his family or property, if he disclosed either. So soon as it was read to him, he told Colonel Jourdan, with some warmth, in the presence of a large number of persons, that he had never made a statement to him, or any one else, which would warrant such insinuations; that he was not on friendly terms with the Agent; but that he had no knowledge of any facts or circumstances calculated to have the slightest effect for or against him, in the present investigation. Colonel Jourdan insisted that he had made such a statement, and expressed a belief that he did possess some such information, but that he was afraid to disclose it. On this, both General Gaines and myself urged Lewis, in the strongest manner, if he did possess any information for or against the Agent, to disclose it; and assured him, at the same time, of the protection of the Government. He persisted, in the most solemn assurances, that he knew nothing of any circumstances having the slightest bearing on the matters under investigation: he, at the same time, admitted having said that he was "afraid to give an affidavit," because he did not wish, from peculiar circumstances, personal to himself, to draw the notice or animadversions of any party, or set of men, who might feel disappointed in finding testimony in it, which they neither wished nor expected. Finding that Lewis would not swear to the affidavit already drawn up for him, Colonel Jourdan, no longer able to keep his temper, took up the paper which he wished Lewis to sign and swear to, without reading, and departed to his quarters; Lewis having previously, at the urgent request of General

Gaines and myself, agreed to answer, on oath, any interrogatories put to him by the Commissioners. Lewis afterwards explained to several gentlemen his reasons for wishing to decline giving testimony which must, at best, be of a negative character. He stated, that some fifteen or twenty years since, (being then a citizen of Georgia,) he unfortunately engaged in an affray which resulted in the death of his opponent. that the affair had, heretofore, been suffered to die away in Georgia, but, should he give an affidavit, it could not meet the wishes, or apparent expectations of the Commissioners, and that they might be the means, on that account, of reviving the heretofore dormant laws of Georgia against him. In fact, his reasons appeared to be generally understood, before he himself had stated them; and I have no hesitation in believing, that by no persons were they better understood, than by the Commissioners themselves. And yet they have attempted to distort the transaction, in such a manner as to create a belief that it was the enmity of the Indian Agent Lewis dreaded in giving evidence.

Various other circumstances will hereafter be referred to, if necessary, to show the general course of the Commissioners of Georgia. Finding this communication drawn to an unexpected length, I defer further expositions for the present. It will be observed that I have carefully abstained from particular allusions to public transactions which it may be inferred are alluded to in my official reports to the Government. When those reports and their evidence are before the public, it will be seen that the corruption to which I have herein alluded, is, if possible, much exceeded by that which has preceded it.

I trust I have said enough to convince all unprejudiced persons, that, if there is a wish to attack the officers of the General Government with success, it must be on other grounds, and the weapons entrusted to other hands than those I have noticed. Had the Commissioners confined their attacks to myself, being generally unknown, their reports would, no doubt, (wherever they were not personally known,) have had great effect. By attacking Gen. Gaines, whose fair fame and honourable character are mingled in the history of his country; and by attacking the Reverend Gentlemen who reside in the Nation as Missionaries, who are always found on the side of justice and virtue, and who are much better known in the Southern country than themselves; they have destroyed all prospect of effecting their purposes. The charges and insinuations against Gen. Gaines, (who, it is thought, will consider them unworthy of his reply,) and those against the Missionaries, will be known to be untrue; and from that cause, if from no other, I found a strong hope that these against myself will be generally discredited.

I cannot conclude these remarks, without an acknowledgment to the Commissioners of the high compliment they pay me in the various insinuations in their reports. From those it would appear I had circumvented, at every step, four men who appear to have been bent on circumventing me in a faithful discharge of my duty.

I conclude this reply, by quoting the words of his Excellency the Governor of Georgia, used in his Message to the Legislature, in No-



November last: "The Government of Georgia, in the employment of Agents to superintend its various interests, has been peculiarly unfortunate."

T. P. ANDREWS.

September 9, 1825.

General Gaines to the Secretary of War.

HEAD QUARTERS, EASTERN DEPARTMENT,

Near Augusta, Ga. October 11th, 1825.

SIR: I had the honor to receive on the 7th, postmarked Milledgeville, Georgia, October 5th, your several letters of the 16th, 19th, and 21st, of the last month, with a copy of a letter from Governor Troup, speaking of "claims," and demanding, in terms of characteristic moderation and courtesy, my arrest, trial, and punishment, together with your reply to that officer.

Referring you to my letter of the 4th of this month, wherein I have in part anticipated the last mentioned subject, and promising soon to lay before you copies of my several letters to Governor Troup, I take this occasion to observe, that although I duly appreciate the motives of the President of the United States, in yielding to the unbridled turbulence of Governor Troup, so far as to authorize you to express his disapprobation of my conduct, yet, so far am I from being conscious of having deserved this reproof, I cannot but persuade myself, confiding in the wisdom and justice of the President, as I do, that, when his leisure will allow him to take a deliberate view of the whole subject referred to, he will take a different view of my conduct, and at least spare me the mortification of reproof.

To enable me to count upon a favorable result in the duties you have assigned me, to treat with the Indians alone, and to counteract the mischievous schemes of swindlers and political intriguers, such as have recently been so far successful as to triumph in their efforts to obviate present exposure, and consequent public indignation and merited censure, I have requested the Agent to notify the Chiefs, that no white man will be suffered to attend the Council except such United States' officers as I may select for the purpose. I have, furthermore, urged the propriety of your instructions to me, (of which, I apprehend, the Agent has been furnished with a copy,) being considered by him as strictly confidential.

Without a question as to the integrity of the Agent, I have to request of you, that, if he has not been furnished with a copy of my instructions, he may not be, until I may deem it proper. The Agent should never be placed in a position so embarrassing, as to possess information important to the interests of the Indians of his agency, and, at the time they most need it, withhold it from them. Should he deceive them, he loses their confidence, and, with it, the power of being useful to them, and to the Government who employs him. For

example, if he is advised that I am permitted, in a certain event, to offer the Indians 400,000 dollars for that part of their country within the established boundary of the State of Georgia, with an equal quantity of land in the West, and should he be consulted by them, as he probably may be, as to the propriety of their acceding to my previous proposition, which I am authorized to make to them, he would at once feel the difficulty against which I wish to guard. He would be compelled either to deceive them, by withholding from them, as a public agent in their confidence, the information all important to their interests, or, by communicating it, he would defeat the object, and disappoint the just expectations of his Government, and thus force me to abandon all but the dernier proposition that I am authorized to make. For, illiterate and ignorant as the Indians are supposed to be, they would not be likely to yield to a minor proposition, when advised of the existence of authority to place at their option one of greater value to them,

I have been occupied every day, and occasionally through the night, since the receipt of your letters, in attending Lieutenant Holland, of the 4th regiment artillery, in his last illness. This fine young officer died last night. He was in excellent health ten days ago, and not deemed to be dangerously ill until within the last four days. He was an officer of good education, a graduate from the Military Academy of great worth and still greater promise. It was but a few days prior to his illness, that we lost our excellent young Assistant Surgeon Hall, with four men. There is not now an officer or man at the Arsenal fit for duty but Major Payne, and one Corporal; all the rest are sick, several dangerously.

I have the honor, &c.

EDMUND P. GAINES,  
Major General Commanding.

Hon. JAMES BARBOUR,  
Secretary of War, Washington City.

*Governor Troup to the Secretary of War.*

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, October 15th, 1825.*

SIR: Notwithstanding the resolution of the President repeated in your letter of the 19th ultimo, to refer the complaints of this Government against the officers of yours who have given it offence, to the consideration of Congress a resolution, considered here of most extraordinary character, inasmuch as it is the transfer of a subject over which the President, by the constitution, has exclusive jurisdiction, to a power which has no jurisdiction of it at all.—I cannot forbear calling his attention to a statement contained in your letter to General Gaines, which, assumed to be true, although not true, is

made the justification of the President in resisting the demand of the Governor of Georgia, and in extenuating the conduct of his officer. The paragraph in your letter embracing the statement, reads as follows: "I am directed to add, as an act of justice to you, that the President sees in the serious charges made against you by Governor Troup, and the publicity given to them, and which the letters complained of were intended to repel, circumstances which go far, in his opinion, to palliate your conduct."

Now, Sir, so far from this being true, the opposite is true. Nothing offensive or exceptionable was ever written to that officer before he had sanctioned, by his approbation, an offensive letter written by your Special Agent, on the 21st of June, and addressed to the Agent of Indian Affairs, in which the authorities of Georgia are wantonly abused for injustice, oppression, and tyranny, practised against that Agent; or before he had obtained a false certificate from two base and unworthy men, to traduce and vilify the character of the Chief Magistrate of Georgia, which he ordered to be published of his mere volition, on pretence that false rumors were in circulation, of what, or about whom, he does not say; and this, too, done, as was afterwards made manifest, for the purpose of influencing the general election in this State, in behalf of his favorite candidate. That you may entertain no doubt of the correctness of this statement, and the incorrectness of the statement of the President, you have only to compare the dates of the various letters, and of their publication. It will be seen that before General Gaines could have received my letter of the 16th July, of which he complained, he had already ordered the publication of his of the 10th of July, to which it was an answer.

You will be furnished, in a short time, with additional testimony, to show the very reprehensible conduct of the same officer, in his deportment towards the authorities of Georgia, not with any, the least, expectation that justice will be rendered by the President to those authorities, but in discharge of duties which they owe themselves.

I have, &c. &c. &c.

G. M. TROUP.

The Hon. JAMES BARBOUR,  
*Secretary of War.*

*The Secretary of War to D. G. Campbell, Esq.*

DEPARTMENT OF WAR,

October 26th, 1825.

SIR: In conformity with your request, contained in your letter of the 14th August last, to be furnished as speedily as possible, with copies of all documents which bring into question the proceedings in the late negotiations at Indian Springs, I transmit, herewith, the report of Major Andrews, Special Agent to the Creek nation of In-

dians, &c. which is the only document relating to the subject, copy of which has as yet been prepared. The testimony which accompanied this report, is too voluminous to allow of its being copied for the use of the Commissioners before the opening of the approaching session of Congress. But, for the purpose of the Commissioners, as expressed in your letter referred to, for which the documents containing charges against them is required, the report of Major Andrews, alone, is sufficient, as it contains the essence of all the auxiliary documents submitted with it.

I have, &c.

JAMES BARBOUR.

D. G. CAMPBELL, Esq.

Washington, Ga.

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*Report of Georgia Commissioners, July 16, 1825.*

To His Excellency G. M. TROUP.

SIR: On the 26th of June, we had the honor to enclose to your Excellency, copies of a correspondence held at the Indian Springs with General Gaines. Your Excellency will perceive, that the Commissioners of Georgia were inhibited by him from any participation in that Council, and, in obedience to their instructions, they entered a protest, and, without delay, set forward for Fort Mitchell near Broken Arrow.

After our arrival at that place, we again addressed a note (No. 6) to General Gaines, renewing our request, and explaining to him our motives and intentions in wishing to attend the Council. This did not appear satisfactory to the General, and he adhered to his previous determination to exclude us from the Council as Commissioners, while we were left at liberty to attend as other individuals (see No. 7.) We deemed it unnecessary to enter our protest against this refusal; and determined not to do so, from a sincere and anxious desire to give no cause of complaint to the General, and to attend the Council as individuals, that we might avail ourselves of every means within our power, of accomplishing the objects of our appointment.

After we had prepared our letter to General Gaines, (No. 6) and before it had been handed to him, we were invited by the General to attend a talk about to be held between him and the Little Prince. (A copy of this talk is marked No. 8.) From the anxiety of the Special Agent, Major Andrews, to satisfy the mind of the Little Prince as to the suspension of the Agent, Col. Crowell, we felt anxious forebodings that we need not expect to find in him a man, who sought only to extend impartial justice to the accused. In the afternoon of the same day, (the 25th of June,) we rode to the Ashbury Mission, (the Methodist Missionary Establishments,) to see the Rev. Isaac Smith, (whom we proposed to examine as a witness) to apprise him

of that fact, and to ascertain what time would be most convenient to him. When we arrived, we found Col. Crowell, Major Rockwell, his counsel, and Major Andrews, the Special Agent, already there. Being introduced to Mr. Smith, after a short time, we informed him of our wish and intention to swear and examine him as a witness, and wished to know what time would suit him. His answer was, that any time would be convenient to him. We then proposed to make the examination on the Monday morning thereafter, and inquired of Col. Crowell (to whom we had written the letter marked No. 5) whether that time would suit him; to which he assented. At this time, we were asked by Major Andrews, whether we and Col. Crowell had made any arrangement as to the taking of testimony; to which it was replied, that we had informed each other, that each should have the opportunity of cross-examining the witnesses examined by the other; and that no other arrangement had been made. While these conversations were passing, a gentleman came into the room, whom we understood to be the Rev. Lee Compere, (the Baptist Missionary and author of the letter to the Southern Intelligencer.) He was informed that the Commissioners would examine him also. Mr. Compere made some objections to being *sworn*, and he was distinctly informed, that the law had provided that the affirmation would be equally obligatory with an oath, when any person had *conscientious scruples* about taking an oath. He would not say he had any conscientious scruples about taking an oath generally, but that he had conscientious scruples about taking an unnecessary oath; that he conceived one unnecessary in this case; that he would give a statement; and that was all he presumed Mr. Smith would do. He at last declared, he would not swear or affirm to his *statement*, as he presumed his statement would be sufficient with the President, without an oath or affirmation; but, if Major Andrews said it was necessary to swear to it, he would do so. Major Andrews was then informed by one of the Commissioners, that he knew the object of their taking the testimony, and if he would say, in writing, that the statement, without oath or affirmation, would be sufficient, the Commissioners would be satisfied. To this he replied, that he did not know the object for which they were taking testimony; that it was a matter between the Commissioners and Mr. Compere, and that he must decline saying any thing. He was referred to your letters to him as explanatory of our object. He said he did not think those letters did explain it; he did not know whether we intended to lay the testimony before the President, the Legislature or Executive of Georgia, or before a judicial tribunal. He was informed that he must know that it could not be intended for a judicial tribunal. Major Andrews persisting in his refusal to give an opinion, and believing the controversy worse than useless, we took our leave.

Immediately on returning to Fort Mitchell, we wrote Major Andrews the letter No. 9, which remained unanswered till two of the Commissioners, Jones and Torrance, left that place for Alabama. To persons not present, and particularly those unacquainted with all the

circumstances, this letter may appear harsh, and the insinuations unwarranted; but we can assure your Excellency that nothing but the most positive conviction could have induced us to take this step. Should circumstances have transpired to satisfy us we were wrong, we should most cheerfully have retracted; but we are sorry for the interests of Georgia and of truth, we are compelled to declare that subsequent events have only confirmed us in the correctness of that opinion.

In the evening of that day, (the 25th,) two of the Commissioners, walking along the public road, met and held a casual conversation with Josiah Gray, (a half breed Indian, and one of the Chiefs who had signed the treaty.) The next morning we received information that William Hambly (the National Interpreter) had told Gray that Gen. Gaines was displeased with him and us for holding conversations together, and that he must do so no more. From Gray's statement, Nov. 24, you will see what was said to him by the Indians.

On the morning of the 26th, two of the Commissioners walked out, and with them a white man by the name of Richards, (a man who had lived in the nation, and had been Interpreter to the Seminole Indians,) who had a claim against the Creek Nation, and who attended at Broken Arrow to have it settled. After he returned from the walk, he went into the Commissioners' room to shew his papers relative to his claim to one of them. After dinner of that day, standing near one of the Commissioners, he was asked by him what was the name of the Indian who passed by at the time. Upon replying that he did not know, he was requested to ask it. He asked an Indian who stood by, and informed the Commissioner the Indian lived below. He was then told that the name of the Indian, and not his place of residence, was inquired after. Richards then stated that he was willing to give the Commissioners any information and assistance in his power, and to oblige them in any way he was able, but that he had received an order not to have any intercourse with the Commissioners, or to interpret between them and the Indians for any purpose. He was then asked, who gave the order? Was it given by General Gaines? To this he answered, the order was not given by General Gaines; but that he had received an order, and begged that no more questions might be asked him.

About this time Col. Williamson joined us, and, upon consultation, we determined to ask an interview with General Gaines, from whom we had just received his letter of the 26th, (No. 7,) to assure him of the confidence of the Governor of Georgia, and of the Commissioners, in his exertions and determination to quiet the disturbances in the nation, and reconcile their differences; to state to him the difficulties attending us from the interdict which was placed on our communications with the Indian countrymen, (white men living in the nation,) and with the Indians themselves; to detail to him the above circumstances relative to Gray and Richards; and to assure him that we would have no intercourse whatever with the Indians, until his business was closed, to prevent any misconstruction of our motives and

conduct, if he, General Gaines, would promise, on his part, that he would keep the Indian Chiefs there after he was done with them, and give us an opportunity of examining them separately and apart from each other before him. He then stated that Major Andrews would wish to examine them in Council after he was done, and that he, Major Andrews, suggested the propriety of our drawing up our interrogatories, and submitting them to him for his examination before they were put to the witnesses. He was immediately told, by one of our mission, that we could not submit to such a requisition from Major Andrews; that, if he identified himself with Col. Crowell, as his counsel, and proposed such an arrangement as reciprocal, we would consider of it. But that he, as acting impartially between us, and as a judge, had no right to ask or demand any such thing, and that we would not accede to it. We further told him, that we were well satisfied, and we had no doubt, from his knowledge of the Indian character, that he must be satisfied of the inutility of examining them in Council; that they would repeat the same story whether true or false; indeed that the talk would be delivered by one man, and that we could only hope to obtain the truth from them by a separate examination; that we wished it in his presence, and that we would put our questions in writing. The General then assured us he would with pleasure give us all the facilities in his power; that he had the power to detain the Chiefs, (as long as he pleased,) and that he would do so; that he would let us know when he was done with them, and we should then have an opportunity of examining them as we wished. We then took our leave, resting with full confidence in the assurances of aid and assistance which we had received. How well our expectations were fulfilled, and how justly our confidence was reposed, will be seen by your Excellency in the report of Cols. Jourdan and Williamson.

On Monday, the 27th, in the morning, we repaired to the Asbury Mission House, to submit interrogatories to Mr. L. Compere. When we arrived, we again found Colonel Crowell, Major Rockwell, and Major Andrews, already there. The two latter, in a private room, the door of which was carefully closed and fastened, on our entrance into the House. In a short time, Mr. Smith came into the room where we sat, and handed us the letter (23) signed by himself, Mr. Compere, and Mr. Hill, the last of whom seems to have enlisted himself as a volunteer, as he had not been asked by us, nor had we intended to examine him. By this letter, you will perceive, they had come to a positive determination not to swear or affirm to any statement they might give. Without entering into any discussion as to propriety of that determination, we submitted some interrogatories to Mr. Compere. To these we could not then receive any answers. We were informed they would be prepared in the course of the day, and handed to us in the evening, as the Council was expected to meet that morning. The Commissioners declined submitting any questions to Mr. Smith at that time, and departed, leaving the rest of the company together, no doubt to consult and determine on the answers proper to be given to the questions. When we called

in the evening, the answers were already made out to the questions before propounded, and answers made to additional questions then submitted.

We are unable to give you a proper idea of this examination ; suffice it to say, we became well satisfied that any attempt, on our part, to obtain the truth from men living in the Indian nation, (whether white or red,) and under the influence and power of the Agent, into whose conduct we were then examining, must be fruitless. For what could we expect from others, who pretended to have no regard for the sacred obligations of religion, when we found a Minister of the Gospel, an Ambassador of Christ, covering himself with the sanctity of his mantle, to protect himself from the consequences of perjury ; when we find him prevaricating and equivocating in the statement which his conscience would not permit him to verify by an oath or affirmation ?

Under this conviction, and to prevent them from preparing the other witnesses, as they had done those about Fort Mitchell, it was determined that two of our mission should immediately proceed to Alabama, to take testimony on the road, and at Line creek and Montgomery, in that State. Messrs. Jones and Torrance were selected for that business. They left Fort Mitchell, and proceeded, as far as Crabtree's that evening, (a distance of 4 miles.)

In pursuance of the instructions we had received from your Excellency, Colonel Crowell was served with a notice on the 28th, early in the morning, that we would take the testimony of Kendal Lewis, and James Moss, at the house of Kendal Lewis, about 25 or 26 miles distant from Fort Mitchell, at 11 o'clock that day. You will perceive from Colonel Crowell's letter of that date, (No. 10,) that he complains of the time as too short to afford him the opportunity of cross-examination. While we admit the time was short, we deny it was too limited for him to reach there. We intended to give only time enough to enable him or his counsel to get there, and to allow them no time to tamper with and prepare the witnesses, either to answer as they wished, or not to answer at all.

As proof of the sufficiency of the time, we would refer your Excellency to the report of Messrs. Jones and Torrance, marked A.

The report of Messrs. Jourdan and Williamson, (marked B,) will shew their proceedings, and the difficulties they encountered during the absence of Messrs. Jones and Torrance.

You will have seen, by a former part of this report, that two of the members of the mission, (Messrs. Jones and Torrance,) departed from Fort Mitchell, on the evening of the 27th, for Lewis, Line Creek, and Montgomery, for the purpose of procuring the testimony of certain witnesses at those places. They, having accomplished that object, so far as they were enabled to do, returned, and joined the Commissioners at Crabtrees, on Sunday the 3d instant. Having been informed on that morning that Mr. Kendal Lewis, to whom we had propounded certain interrogatories on the day before, in writing, (and who had, at his request, been allowed a short time to draft his



answers,) had refused to answer them at all, and had also left the neighborhood for his residence, we determined to inform General Gaines of the same, and request of him an order, whereby Mr. Lewis might again be brought to Fort Mitchell, to testify; this was done on the 4th instant, (see No. 21.) In that communication, you will observe, that we cautiously avoided the use of any language the least calculated to interrupt the very friendly feelings manifested towards the Government of Georgia, and her Commissioners, by General Gaines, shortly after their arrival at Fort Mitchell. We sought only to correct what we considered a mistake, made by the General, through his Aid, doubtless unintentional, to request the order for Lewis, and a copy or copies of the talks to and from the Indians. How far that communication authorized the reply we received, forbidding further correspondence with the united mission, then in the Creek nation, touching the objects of the disturbances therein, your Excellency will readily determine. Whether the *Special Agent* was included in that mission, we know not; but, suppose that he was, and that our correspondence may have been closed under a feeling produced by your Excellency's note to one of its members, (Major Andrews,) bearing date the 28th ultimo.

On the evening of the 3d, we were notified that the counsel for Colonel Crowell would proceed, on the next morning, at about the hour of nine o'clock, to take the examination of William Hambly, (the Interpreter.) In pursuance of the notice, we attended at the time and place designated. When we arrived, we were informed that they were not ready, but would be in a short time. After we had been there about an hour, we were informed that they were ready to close the examination of Mr. Hambly. To our surprise, we found the whole of the testimony of the Interpreter had been committed to paper by Colonel Crowell's counsel, before we were called in. It was read to him by the Counsellor of the Agent, who stated to the witness, before he began, that he would read over his testimony again, slowly and distinctly. He did so; and then said to Mr. Hambly, "I have read over the testimony slowly and distinctly; indeed not once, but two or three times, and you can say if any thing is wrong." The witness said, all was right; and then swore to the statements he had heard read, as true. Such a course we considered very unlike what is termed an *examination*. Having heard the testimony of Mr. Hambly, we determined at once, not to cross-interrogate him, his evidence being mainly confined to points affecting the means whereby the late Indian treaty was obtained, and attempting, by a selection of statements, that we believed to be wholly false, and unworthy of credit, to defame the fair character of the United States' Commissioners, and every person connected with them, in their duties as such. Such testimony, if from respectable characters for truth, might be considered important, if the Government of the United States were prosecuting an inquiry by her *Special Agent*, whether or not a fraud had been com-

mitted upon that Government by her Commissioners. Such an opinion we could not for a moment entertain.

A perusal of the testimony of Mr. Hambly, would convince you in a moment, of the correctness of the opinion we hold, in relation to his veracity. He has furnished abundant matter for the remark.

You will see from Colonel Crowell's letter of the 28th ultimo, (No. 10,) to two of the Commissioners, that he complains of unfairness in our conduct, for having given him notice that we should proceed to take testimony at some distance from Broken Arrow, during the sitting of the Indian Council, because, says he, "it was of much importance that I should be present at the Council." The Commissioners were not allowed to be present at that Council; and wherefore it could have been of "much importance," for an officer of the General Government to be present, who was then suspended from the functions of his office, is for him to explain. We had distinctly heard in public, from General Gaines, that it was his wish that no white man should hold "any talk" with the Indians *until* he was done with them. From the course pursued by the Agent at that Council, and his permission to do so, (*for the omission to prohibit him, was permission.*) his suspension was purely nominal; it was a mere mockery. We have no doubt but that his free admission into the Indian Councils, aided and assisted by his former Sub-Agent, Mr. Walker, gave to him quite as much influence over the minds of the Indians, as he ever exercised in the days of his utmost prosperity and authority.

How well the Indians adhered to the instructions of General Gaines, in not receiving *talks* from white men, you can determine, when you examine the written reply made by them to him, as official. In that document, you will observe that they speak of the "usages of the United States; of her Constitution; and the principles by which she is governed." Truly a savage protection.

Upon the subject of a law which the hostile party allege that McIntosh violated, and which led to his death, you are referred to the report of Messrs. Jourdan and Williamson. We have not, from the very many contradictory stories that we have heard in the nation, touching the origin and enactment of such a law, that no such was ever known among the Creeks. We are confirmed in this opinion by the reply of General Gaines to the friendly Chiefs at the Indian Springs, on the 20th ult. If we are correctly informed upon that point, he there stated that he had read their laws, and was gratified to find none so sanguinary as that alleged by their enemies to exist, under *color* of which, it has been stated that the *murder* of McIntosh was perpetrated.

The chiefs in Council did not pretend that they had any such law reduced to record. A white man, who informed one of the Commissioners that he had resided in the nation 20 or 30 years, stated that he knew of no such law. The very manner in which these unfortunate men were put to death, proves that the Indians did not execute them for having violated any law. We believe, that, when it becomes necessary to enforce such sanguinary edicts upon any of that tribe, the

culprit is arrested and conducted to some town or public square in the nation, and there undergoes a species of trial; sentence of death is there pronounced; the accused is, thereupon, publicly put to death by shooting. How unlike such a precedence was the foul murder of McIntosh and his friends; his house was surrounded at the dead hour of night, and set on fire by a band of lawless assassins, and there, encircled by the scorching flames, produced by the conflagration of his own mansion, was he inhumanly and most unlawfully put to death. When witnesses are called on in the nation, whom it is supposed know something of Indian laws and Indian policy, they account for these murders, by saying it was for violation of their law, which law, answers a church missionary, was "seen by nobody."

When asked, what law condemned to death a distinguished man amongst them, who was of the party slain, but who did not sign the treaty? The answer is given by a Reverend Clergyman, "the Law of Nations," (see Mr. Smith's testimony.) It would have been well if this dignitary had informed us when the Indians adopted the principles of Vattel, Martins, and Bynkershoek. The gross inconsistencies in the statements of the Indians and white men, resident among them, to establish the existence of such a law, fix indelibly on the minds of the Commissioners, that no such law is, or ever was. The argument in support of such a law proves too much. The Agent himself did not rely on it, at the commencement of these Indian disturbances.

As an instance of the determination of those gentlemen resident in the Nation, who have assumed the robes of sanctity, to avoid any thing like plain truth; whenever it was to operate against the Agent or hostile chiefs, we call the attention of your Excellency to our tenth interrogatory to the Rev. Isaac Smith. You will observe that he has thought proper to take the liberty to alter that interrogatory, to read in such a way, as would, according to his notions, give him the opportunity of an answer. It is under the words that he has interpolated into that Interrogatory, and without our authority, he has furnished us with his *national answer*.

We shall not here express an opinion on this conduct of Mr. Smith, nor shall we say what might be the consequences to him, if he had done this within the acknowledged jurisdictional limits of Georgia.

How far the whole of the testimony taken, in support of the charges against the Indian Agent, sustains those charges, is not for us officially to determine; nor do we desire to express an opinion of an official character upon the subject.

There is a subject not directly within the objects of our appointment, but is inseparably connected with the treaty and its consequences, upon which we beg leave to offer a remark. It is upon the subject of the contemplated survey of the territory lately ceded. During the stay of the Commissioners at the Indian Springs, three of them were informed by several of the leading chiefs of the friendly party, that they were willing, and even desirous, that the survey should be made during the ensuing Fall, and assigned as a reason that the surveyors and their people being amongst them at that period, would afford them

an opportunity of disposing of much of their products that they could not transport with them to the Westward ; that they intended removing beyond the Mississippi before another crop was made, if the Government would pay them the money according to the terms of the treaty.

Connected with this, Sir, we remark, that it is somewhat strange that the chiefs who reside *beyond* the limits of the territory ceded to the United States, for the benefit of Georgia, are the only chiefs, with a few exceptions, so far as we are informed who are opposed to the survey. The fact is notorious, we believe, that the chiefs and their leaders who oppose this measure, are resident near Tallapoosa river and Alabama. What injury then can they sustain by the survey.

Herewith we transmit to your Excellency, copies of our correspondence with General Gaines and Major Andrews, connected with the subject, and numbered from one (1) to twenty-three (23) inclusive : Also, the testimony received in the execution of the duties assigned to us. The testimony of several other witnesses will be received ; an opportunity for their examination has not yet offered. We shall proceed to close the several examinations as early as practicable, and forthwith report to you the same.

With considerations of high respect, we have the honor to be, Sir, your Excellency's obedient servants,

WARREN JOURDAN,  
WM. W. WILLIAMSON,  
SEABORN JONES,  
WM. H. TORNANCE.

*Milledgeville, 16th July, 1825.*

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No. 1.

*Commissioners of Georgia to Gen. Gaines.*

*INDIAN SPRINGS, 20th June, 1825.*

SIR : Enclosed you will receive a copy of a letter of instructions, from His Excellency the Governor of Georgia, to us, as Commissioners in behalf of the State, for the purposes therein mentioned.

It is important to the Commissioners, that your answer to the application of His Excellency the Governor to admit the Commissioners to a full and free participation of the council of the Indians, should be received as early as practicable.

Very respectfully, Sir,

We are your obedient servants,

WARREN JOURDAN,  
WM. W. WILLIAMSON,  
WM. H. TORRANCE,

*Commissioners.*

Major General E. P. GAINES.

## No. 2.

*General Gaines to Georgia Commissioners.*

## HEAD QUARTERS, EASTERN DEPARTMENT,

*Indian Springs, June 21st, 1825.*

GENTLEMEN: I have the honor to acknowledge the receipt of your communication, of yesterday's date, announcing the objects of your mission.

In reply I have to observe that, however much I might be aided by the lights of your experience, I do not feel myself authorized, without new instructions from the Department of War, to comply with your demand to be admitted "to a full and free participation of the council of the Indians."

The council is assembled for the purpose of enabling me to discharge duties of a very delicate and important nature, confided to me by the General Government.

I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered to the council by any officer or citizen permitted to address it; whether of the United States or of any individual State or Territory: without such control, our councils would be involved in confusion; and they would be wholly useless, if not worse than useless.

I offer you, gentlemen, assurance of my consideration and respect,

EDMUND P. GAINES,

*Major General U. S. Army Commanding.*

Colonel WARREN JOURDAN,

Colonel WILLIAM W. WILLIAMSON, } *Commissioners.*

WILLIAM H. TORRANCE, Esq.

## No. 3.

*Commissioners of Georgia to General Gaines.**INDIAN SPRINGS, 21st June, 1825.*

SIR: Your note, of the present date, we have had the honor to receive. We are free to confess, Sir, that its contents has surprised us. Your note furnishes us with the information that your duties are of a very delicate and important nature. We have no doubt of their importance. The occasion calls for important measures. The chiefs of a once powerful nation have to be re-established to their usurped honors, power, and fortunes, in and amongst a people over whom you are deputed, for the time being, to preside. Your measures fix their destiny, and that of their posterity. High responsibility! delicate trust!

Your Government has informed you of the existing relations between that Nation and the State of Georgia: We are the representatives of that State in connection with certain matters touching the disturbances therein.

The Government of the State of Georgia has vested in us certain powers, the execution of which was and is believed to be closely identified with the objects of your present mission. On our arrival at this place we deemed it prudent to lay before you a copy of our instructions from His Excellency the Governor of Georgia, by which you were informed that we were expressly instructed not to interfere in any matter disconnected with the objects of our appointment; but, at the same time, clearly expressing the opinion that we would be admitted to a full and free participation of the Indian Councils. This opinion was the more readily advanced by our Government, because it was known that your object in convening a council of the Indians was inseparably connected with the duties assigned to us. Therefore the State of Georgia considered that she might make the request that has been made, with much confidence that it would be readily granted, relying upon the strongest assurances, which it was believed would be made by you, as the agent of the General Government, to receive the aid, and assistance, and co-operation of Georgia, in carrying fully into effect the views of your Government.

We are instructed to say that our Government disclaims, in the strongest terms, any wish or intention in anywise to embarrass your movements as connected with any matter growing out of the present unfortunate and peculiar situation of the Creek Nation of Indians. The Government of Georgia has created the commission under which we have the honor to act, for no other purpose than to inquire into the facts, as connected with the conduct of an officer of your Government, the conduct of which officer has been arraigned by the Government of Georgia, at the instance of the President of the United States. In the investigation of the conduct of that officer, the State of Georgia has great interest. It is of the highest importance to her that there should be a full and clear development of all the facts, which if had, it is believed, will fully establish the several charges as preferred. To arrive at the certainty of all these facts, in the most imposing and official manner, it was considered by our Government necessary to constitute the present mission. It was further determined, by the same Government, to be of the first consequence that the members of that mission should present themselves, clothed in their official character, in the councils of the Indians to be convened by you; believing that in the councils information might be elicited material to the points in issue between the State of Georgia and the Agent for Indian Affairs. For this purpose, and for no other, we have been directed by our Government to repair to this place, and to inform you of the same, and to respectfully ask your permission for admittance therein. We have done so by request only: we have not demanded it. That permission has been denied us. We, therefore, in pursuance of our instructions, as also a proper sense of duty towards our Government, do hereby enter our formal protest against such denial; believing that, in consequence of being debarred a participation in those councils, the State of Georgia will unquestionably

be deprived of that which is to her of vital interest and great magnitude.

Respectfully, Sir,

We are, your obedient servants,

WM. W. WILLIAMSON,  
WARREN JOURDAN,  
WM. H. TORRANCE,

*Commissioners.*

Major General E. P. GAINES.

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No. 4.

*Col. Crowell to the Georgia Commissioners.*

CREEK AGENCY, June 20th, 1825.

GENTLEMEN: I have understood that you have been appointed by the Governor of Georgia to superintend, in the Creek Nation, the investigation of the accusation, which he has deemed expedient to make against me.

Although I have not had the privilege extended to me by the Legislature and Governor of Georgia, which is guarantied by the constitution of our country even to the culprit on his trial; although it is apparent, from the course pursued, (in publishing the *ex parte* evidence collected professedly for the adjudication of another and different tribunal,) that the prejudice of the community is sought to be excited against me, which, like the sword of Brennus, is to be cast into the scale against me, to make up for all deficiencies in the weight of the testimony; and although this course of proceeding is properly appreciated; yet, being desirous of affording my accusers the full benefit of a cross-examination of the witnesses to be adduced in my behalf; desiring a fair and impartial investigation, and conscious of the correctness of my official conduct, I herewith invite you to attend the examination of my witnesses in the Nation, for the purpose of putting to them such questions, in reference to my deportment, as you may think proper: of the time and place of examination you will be notified.

In giving you this invitation, I wish you distinctly to understand, that it is not given under the impression that it is your right; since I have not been confronted with the witnesses against me. But it is given under a full conviction of being able fully to establish my innocence, by witnesses who shrink not from the ordeal of a cross-examination, and to show you that my defence rests not, like the accusations against me, upon the flimsy foundation of garbled evidence, arbitrarily taken, and improperly reported.

I am, respectfully, yours, &c.

JOHN CROWELL.

## No. 5.

*Georgia Commissioners to Col. Crowell.*

FORT MITCHELL, 25th June, 1825.

SIR: Your letter, under date of the 20th instant, has been duly received; and we shall be happy to avail ourselves of the opportunity to cross-examine any witnesses you may deem necessary.

On our part we would observe, that the Government of Georgia feels no disposition to deprive you of any and every means of justifying yourself. We have no doubt that you would have been permitted to be present and cross-examine the witnesses before the committee of the Legislature, had a request been made by you. And we have been particularly instructed by His Excellency the Governor to afford you that privilege.

You shall be duly notified of the time and place of examination.

We are, Sir, yours, respectfully,

WARREN JOURDAN,  
SEABORN JONES,  
WM. H. TORRANCE,

*Commissioners.*

Colonel JOHN CROWELL.

## No. 6.

*Georgia Commissioners to General Gaines.*

FORT MITCHELL, 25th June, 1825.

SIR: Since our arrival at this place we have been joined by Colonel Seaborn Jones, who is associated with us in the commission by the Governor of Georgia.

In obedience to the instructions, (with a copy of which you have been furnished,) we beg leave again to call your attention to that part of those instructions by which it was contemplated by the Governor that we would be admitted to a free participation of the council of the Indians to be convened at Broken Arrow, as well as of that lately held at the Indian Springs. And we would repeat the request on our part, that we may be admitted to that council.

In your letter of the 21st instant, in answer to a similar request made at that place, you say, "I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered to the Council by any officer or citizen permitted to address it; whether of the United States, or of any individual State or territory; without which control, our councils would be involved in confusion, and they would be wholly useless, if not worse than useless."

We call your attention to this part of your letter, for the purpose of correcting a mistake under which you have fallen, with regard to our motives and the course of conduct we might pursue in attending the Council. We have been particularly instructed "not to interfere with the Council in matters disconnected with the objects of our mission, and which appertain, exclusively, to interests



and relations, purely political, subsisting between the General Government and the Indians."

Permit us to assure you, Sir, that we shall strictly adhere to those instructions, and carefully avoid any interference; and that we shall expect only to make suggestions to yourself in the Council, and, through you, to obtain all the information which can be acquired. The information thus obtained, will be of an official character, and will, perhaps, be more satisfactory than any derived from any other source.

From Mr. Kenan, our Secretary, you will receive a copy of the message of the Governor to the Legislature, with the accompanying documents and other papers. And we have the honor to subscribe ourselves,

With high consideration and respect,

Your obedient servants,

WARREN JOURDAN,

SEABORN JONES,

WM. H. TORRANCE,

*Commissioners.*

Maj. Gen. GAINES.

No. 7.

*General Gaines to the Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, June 26th, 1825.*

GENTLEMEN: I have received your communication of yesterday's date, requesting to be admitted to the Council convened at Broken Arrow.

I am under no such mistake as that you ascribe to me, and which you are pleased to attempt to correct. In your letter of the 20th, you claim "a full and free participation of the Council of the Indians." Whatever may have been your meaning, the manifest import of the expressions employed by you, could be nothing less than a demand to exercise, without control, certain privileges before the Council. The force of this construction is rather strengthened than diminished, by your instructions from his Excellency the Governor of Georgia, to which you refer.

You say, "We have been particularly instructed not to interfere with the Council in matters disconnected with the objects of our mission, and which appertain exclusively to interests and relations, purely political, subsisting between the General Government and the Indians." You are consequently instructed to interfere with the Council in matters connected with the objects of your mission; or, in other words, to do what you are instructed to do, and nothing more. But your instructions exhibit an attempt to discriminate between the duties assigned to you, on the part of the State of Georgia, and subjects appertaining "exclusively to interests and relations, purely political, subsisting between the General Government and the Indians."

I cannot perceive or admit the existence of any such distinction. The General Government can have no interests or relations, *purdy political*, either with the Indians, or with any other People or nation, in which the State of Georgia is not concerned. But his Excellency the Governor of Georgia deems it proper that the State should be represented at the Council at Broken Arrow, and you have been appointed for that purpose.

I have advised you that the President has seen fit to confide to me the exclusive mission to this nation, on the part of the United States. I have now to add, that the duties assigned to me are substantially the same as those with which you are charged, with the exception of taking testimony as to the conduct of the Agent. Thus have I the honor to represent Georgia, with each other member of the United States, in the Indian Council at *Broken Arrow*.

With due deference and respect for the authorities of the State, which have had the kindness to appoint a mission to afford me aid, which the General Government appears not to have been aware that I stood in need of, I cannot permit myself to recognize that mission, without the authority of the President.

It would afford me great satisfaction to possess the confidence of the State authorities. I can hope to win it only, by a faithful discharge of my duty; but, if I fail thus to win it, I feel convinced that I shall not fail to retain what will be equally gratifying to me—the conscious persuasion that I merit that confidence.

In the subsequent part of your letter, you assure me, that you will strictly adhere to your instructions, and carefully avoid any interference; and that you shall expect only to make suggestions to me, in the Council, and, through me, to obtain the information which can be acquired.

It is to be regretted that you did not sooner favor me with this moderate definition of your wishes, as, in that case, no objection would have been offered by me to your request, individually and unofficially.

You are entirely at liberty to attend, as any other gentlemen would be.

I reserve to myself, however, the right to control every subject to be acted upon, and every expression to be uttered to the Council. It affords me pleasure to profit by the *suggestions* of my fellow citizens; but these suggestions, to be acceptable to me, must be free of every thing like official power or control. In tendering to you my thanks for the polite offer contained in your note of this afternoon, I have to observe, that I shall not have occasion to send despatches before the departure of the regular mail.

I renew to you, Gentlemen, assurances of my respectful consideration.

EDMUND P. GAINES,

Maj. Gen. Commanding.

Messrs. JOURDAN, }  
JONES, } Com'rs.  
TORRANCE, }

## No. 8.

*Talk of Gen. Gaines to the Little Prince.*

## FORT MITCHELL,

*Saturday, 25th June, 1825.*

The Commissioners on the part of the State of Georgia, (Jourdan, Jones, and Torrance,) were waited on by the Aid of General Gaines, and informed that he was about to hold some conversation with the Little Prince; that, if we wished to hear it, we would attend in the Piazza. They repaired there accordingly. Present, General Gaines and Aid, the Commissioners above named, the Special Agent, Major Andrews, Little Prince, Thomas Triplett, Acting Agent, et al.

General Gaines stated, that he was about to hold a talk with the Little Prince; that he had informed us of his intention to do so, that we might hear what was said.

He stated to the Little Prince, that he must tell his chiefs and warriors that they must not go the white settlements until all their difficulties and disturbances were settled; that they must be kind and friendly to all travellers and white people in and through the nation; that he had been sent here by the President of the United States to have their difficulties settled; that it was deemed necessary to suspend the Indian Agent, charges having been preferred against him; that he must remain suspended, until the charges could be inquired into; that the Agent was only suspended for a time, until the charges preferred against him could be inquired into; that he should take Hambly, who was the national Interpreter, as his Interpreter, though statements had been made against him, but the Government yet had confidence in him, and that he had such confidence in him as to use him as such; but, to prevent any imposition, he had brought with him Benjamin Hawkins as a check, who was recommended by the other part of the nation as being a good Interpreter, and that he had instructed Mr. Hawkins, if Hambly did not interpret correctly, to let him (General Gaines) know it; that the Little Prince must tell his chiefs and warriors to hold no talk with any white person at all, about their present difficulties, except himself; that they must receive no talk but from his own lips.

Major Andrews, the Special Agent, stated, that he did not think General Gaines had been sufficiently explicit, and requested him to say to the Little Prince, that the Agent was suspended *merely through courtesy* to the Governor of Georgia, having been frequently urged to do it. Major Andrews also stated to General Gaines, to say to the Little Prince, that his confidence in Hambly, as an Interpreter, was not the result of investigation, as he had made none; but that he had seen nothing to make him doubt him. He was asked by Col. Jourdan if he had not seen Colonel Williamson's testimony? Said he had; but that, taken with other things which had been shown him, he did not deem it sufficient. General Gaines then stated to the Little

Prince, that it was considered *necessary* to suspend the Agent, charges having been made against him, and that he could not act as Agent until the President of the United States had determined upon them.

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No. 9.

*Georgia Commissioners to Major Andrews.*

FORT MITCHELL, *June 25, 1825.*

Major T. P. ANDREWS:

SIR: We were not a little surprised to hear from yourself, this evening, that you were unacquainted with the object for which we were taking testimony. We were then of the opinion, and, upon examination, have become confirmed in that opinion, that the papers which have been submitted are sufficiently explicit. By a reference to the letter of the Governor of Georgia to you, of the 20th instant, you will find he says, "The Commissioners authorized by the Legislature to take further testimony, will, for that purpose, proceed, forthwith, to the nation, and under orders to make all possible despatch." By a reference to the printed documents, delivered to you at the Agency on Flint River, you will see a copy of the resolution referred to. To these we can add nothing which will convey in stronger terms the object of taking testimony, unless, perhaps, it may be necessary to remind you of the charges preferred by the Governor of Georgia.

While you seem to be ignorant of the object of our appointment, we presume that does not extend to the appointment itself. To avoid, however, any possible mistake, we would beg leave to refer to the conversation which took place between you and Colonel Jones at the Agency, in which you inquired if any mutual arrangement had been made between Colonel Crowell and the Commissioners; whether we would re-examine the witnesses sworn before the committee, to enable Colonel Crowell to cross-examine them; and, whether we would assist him to compel witnesses to testify who might refuse. We would also remind you of the inquiry you again made, this evening, whether we and Colonel Crowell had made any arrangements, &c.

We regret we have been compelled to be thus minute, and feel more regret to remark, that our object can be recognized when it is necessary to make inquiries for the benefit of Colonel Crowell, lest injustice may be done him, and, when inquiries are made of you, to facilitate the business and quiet conscientious scruples, you should decline to give any answer, and thereby (we hope unintentionally) throw difficulties in our way, already sufficiently obstructed. We would beg leave further to remark, that while the testimony which has been taken against Colonel Crowell has been made public, and he has had every opportunity of seeing and disproving it, (if in his

power,) and while our instructions are positive to permit him to be present and cross-examine the witnesses, complaint has been made by you "of the appalling influence and power of the Executive and Legislative branches of the Government of Georgia," you have not thought proper to apprise either the Governor or ourselves of the testimony which has been already shown you by the Agent, in his own favor, or that, to which you referred to-day, which had been shown you in favor of Hambly, the Interpreter. As we could not doubt the ascertainment of truth to be the object of your mission, we could not be insensible of this difference; and we hope a second reading of the papers we have referred to, will satisfy you fully of the object of our appointment.

And have the honor to be,

With consideration and respect,

WARREN JOURDAN,  
SEABORN JONES, } Com'rs.  
WM. H. TORRANCE, }

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No. 10.

*Colonel Crowell to the Georgia Commissioners.*

PRINCETON, June 28, 1825.

GENTLEMEN: Your letter of this date was received a few minutes before 7 o'clock, announcing your intention to proceed to take the testimony of James Moss and Kendall Lewis, at Mr. Lewis', at 11 o'clock this day—a distance of 26 miles from this place.

Understanding that two of your body set out, in the direction of Lewis', yesterday afternoon; believing that you were apprized that Moss was in the vicinity of this place in the morning of yesterday; and knowing that my counsel, Major Rockwell, apprized Mr. Torrance, in your presence and hearing, that it was our intention this day, at the breaking up of the Council, to take the testimony of several witnesses, to which arrangement there was no objection; under all the circumstances, I must be permitted to remark, that it seems, while you are willing to make a parade of fairness in the manner of procuring testimony against me; while you have, in a formal communication to me, offered me the privilege of cross-examining those witnesses to be found in the Creek nation; you take such measures as effectually put it out of my power to avail myself of the offer—"holding the word of promise to my ear, and breaking it to my sense." Considering the manner in which that offer was made, being incidentally drawn from you by my invitation to you to cross-examine my witnesses, I am constrained to believe that you never sincerely intended that I should enjoy the advantage of a cross-examination, and that your offer was merely a hollow pretext, to answer some hidden purpose. When you wrote your note this morning, to which this is

an answer, you were doubtless well apprized that the Council would meet to-day; that preparations were making for the reception of General Gaines, by the chiefs; and that it was of much importance that I should be present. From what fell from some of you at Mr. Smith's, and what took place between you and the General, I expected that you deemed it of importance that you should attend the Council also. With what propriety, then, could you communicate your intention to me of taking testimony at Lewis', Line Creek, and at Montgomery in Alabama, if you *were sincere* in your invitation to me to be present and cross-examine those witnesses? I had hoped that the spirit of persecution and oppression, by which your Governor is actuated towards me, would not have influenced his representatives, but the course you have pursued satisfies me that that hope is illusive.

I am, respectfully,

Your obedient servant,

JOHN CROWELL.

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No. 11

*Georgia Commissioners to Colonel Crowell.*

PRINCETON, June 28, 1825.

COLONEL CROWELL.

SIR: Your letter of this day's date, in answer to ours of the same, has been received. In justice to ourselves, we must be permitted to deny, most unequivocally, that your "counsel, Maj. Rockwell, did, in our presence or hearing, notify Mr. Torrance of his intentions, this day, to take the testimony of several witnesses after the breaking up of the council of Indians." We heard no such declarations ourselves, and we were not apprized of any such intention on your part by Mr. Torrance, except as it relates to the testimony of Mr. Smith, whose evidence, it was believed, was unimportant; and, as he was a resident in this vicinity, it could be dispensed with, for the present, without injury to either party. Permit us to assure you, that we have been positively instructed by his Excellency to give you every benefit of cross-examination; and that it was in obedience to those instructions, and in perfect accordance with our feelings, to withhold no opportunity from you which might enable you to prove your innocence to the world, if practicable. How justly, therefore, can we complain of gross injustice and illiberality manifested towards us in the whole of your communication. We have no hidden purposes to accomplish; no secret motives to influence us: to subserve the best interests of the State, to protect and shield the virtue, intelligence, and disinterested patriotism of our Chief Magistrate from the wily assaults of selfish and interested individuals, from within and without, have been the objects of our most anxious solicitude and care. From the fact of your suspension, we could not perceive the impor-

tance you seem to attach to your being present at the council; you must have heard, or been informed, of the public declaration made by General Gaines, that our attendance at the council would be in the character of private individuals; it could, consequently, be of no avail to us in the accomplishment of the important objects of our mission—objects of curiosity and novelty might have influenced us to attend. The intermediate time between the commencement and termination of the council, we believe, might be usefully employed in obtaining the testimony of persons in the direction of Alabama. We had just reasons to believe, from threats and undue influence exercised over them, they would not attend here.

In coming to this conclusion, we were insensible to any act of oppression on our part towards you, incidental or intentional. We believed, and do still believe, that no important interest, right, or privilege, which you are entitled to, would be jeopardized by the absence, for a few days, of yourself and counsel; and we were the more confirmed in this opinion, from the declaration of the Special Agent, that the collecting of testimony in your favor would, by him, be submitted to the Acting Agent for Indian Affairs.

From this view of the subject, we are free to declare that the charge of insincerity and oppression, reiterated again and again by you, falls unsupported and unsustained by a single reason or argument, other than inflammatory and idle declamation. The notice of our intentions was handed you this morning in time, we believe, for you to have reached Lewis'; and we were instructed, if required, to say that reasonable time would be given for your arrival. The remaining members of the mission did not intend taking any measure for the procurement of testimony until the return of the absentees; and this course we would now greatly prefer, on account of mistake and misapprehension somewhere, and to enable you to proceed, and have the benefit of cross-examination, if desirable.

You cannot be apprized of the great delicacy of our situation (under present circumstances) of attending the examination of witnesses in your private apartments. We propose, whenever Gen. Gaines disposes of the trust confided to him by the General Government, to proceed to the examination of a number of witnesses. Our object in this, is not to embarrass or interfere, in any manner, the most remote, with his duties. We ask of you to pursue the like course, when all of our objects can be obtained without inconvenience to any person.

Permit us to assure you, Sir, that respect for ourselves, and the authority under which we have the honor to act, will not permit us to acknowledge the receipt of any further communication, couched in the language and dictated in the spirit of illiberality and accusation.

We are respectfully, your obedient servants,

WARREN JOURDAN,  
WM. W. WILLIAMSON,

*Commissioners.*

No. 12.

*Major Andrews to the Georgia Commissioners.*

PRINCETON, NEAR BROKEN ARROW,

June 27th, 1825.

GENTLEMEN : I received your letter dated the 25th, last evening, and was not a little surprised at the misapprehension, on your part, which appears to have rendered such a letter necessary.

You remark, that you were surprised to hear me remark on the 25th, in reply to an observation of Colonel Jones, that "I was unacquainted with the object for which you were taking testimony." I must deny, in the most positive manner, having made any remark which would fairly justify such a construction. In your conversation with the Reverend Mr. Compere, which took place accidentally in my presence, he remarked, that he had conscientious scruples to taking an oath, *unless in cases of absolute necessity*. He then added, if I would say that I viewed his giving you his oath as such a case of necessity, he would give it: my reply was, that it was a matter entirely between yourselves, which I did not wish to interfere in, and that I must decline giving an opinion as to the absolute necessity of an affidavit; being incapable of forming a judgment on it, as "I was unacquainted with the objects or uses to which the testimony collected by yourselves was to be applied." You expressed some surprise at the remark; I took occasion to add, that I did not know whether your testimony was to be laid before the Executive or the Legislature of Georgia, the General Government, or its Agent, or to be used before a Court of Justice. I did not make my being kept unacquainted with these objects or uses, a matter of complaint, because (as the authorities of Georgia had not thought proper to make me acquainted with their particular intentions as to the use to be made of the testimony collected by yourselves) I did not consider it a matter on which I had a right to ask information. As it has become a subject of question, and, in a measure, of discussion, I beg leave to ask you, distinctly, to what objects or uses the testimony you collect will be applied? Whether it is to be submitted to the Agent of the General Government, or to the United States Government direct? or whether it is only intended to produce a conviction of guilt in the Indian Agent before the Legislature, the Executive, the People, or the Courts of Justice of Georgia? I am more particularly induced to ask these questions to convince you, that, although I have re-examined all the letters and sources of information you refer me to, as well as your letter now before me, I am still totally unacquainted with the objects or uses to which the testimony to be collected by you is to be applied. At the same time, I disclaim all right, on my part, to receive answers, unless perfectly agreeable; and state distinctly that since my interview with Colonel Jones on Flint river, I could not entertain a doubt that one object of your appointment was to criminate, if possible, the Indian Agent.

You will certainly excuse me for declining what you appear to wish me to attempt, to "quiet the conscientious scruples" of the Reverend



**Mr. Compere**, or any other person, on any subject. I told that reverend gentleman, immediately on your leaving us, as he can testify, that I would greatly prefer his giving you an affidavit, if consistent, on reflection, with his principles; but that, in saying so, I did not wish to be considered as stating my belief as to its absolute necessity: not having been made acquainted with that necessity, and having also informed him, as well as the other clergymen in the nation, that (respecting their characters and their religious scruples) I should view a conscientious statement from them, without their making oath to it, as all sufficient, so far as their testimony was to be applied to the objects of my mission.

I recollect the inquiries you refer to, as made of Col. Jones, on the Flint River; and take this opportunity of remarking, that I have, as yet, received no answers to them: particularly as to the intention of the Commissioners to summon the witnesses already examined by the committee, to afford an opportunity of cross-examination.

I do not see the light in which the Commissioners wish the first part of the third paragraph of their letter received. If no insinuation was intended by it, it appears to me that their expressions were uncalled for and unnecessary. If, on the other hand, it is intended to convey an insinuation of a disposition, on my part, to act in an unfair or partial manner, I feel called on to say, that such an insinuation is not warranted by my acts, or intentions, or truth, and that a repetition must put a stop to all official correspondence between us; as I am determined to avoid all official correspondence (which I am at liberty to avoid) that is not conducted in a proper spirit of courtesy and justice. In reply to the latter part of the same paragraph, I would remark, that I am not in official possession of the evidence you refer to, relating to the Agent; having returned it to him for the present. I am, however, informed by the Agent, that, in due time, you will have an opportunity of cross-examining his witnesses, and, consequently, of seeing that testimony.

The course pursued by General Gaines, in relation to the United States' Interpreter, is one which is conceived to be entirely between himself and his Government; and, as it regards the statement which I have made to him, in reply to his demand for it, of my present impressions in relation to the Interpreter, it is between the General and myself, and our Government.

It will readily occur to you, that you will receive a great amount of information (if you have not already) not immediately connected with the particular object of investigation, but proper to be submitted to your Government. Whether such is the fact in relation to yourselves, or not, I take this occasion to inform you, that I should be wanting in respect to the Government which I have the honor, on a particular point, to represent, if I should offer to others the first knowledge of a great deal of information, which may incidentally come before me. Such is the case in reference to the United States' Interpreter, who is not under trial. The President has so far thought proper to disregard the impressions of others,

which have been laid before him, and to continue the Interpreter in office. The Commissioners of the late treaty, notwithstanding their impressions against him, continued to avail themselves of his services whilst in want of an Interpreter. His capacity renders his services necessary to facilitate business. It was only in regard to the propriety of his being employed or not, as an Interpreter, on the present occasion, that I have given an opinion to the General, and I understood your body, in the presence of General Gaines, on Saturday evening, to approve of his employment, with the precautions which the General has taken on the occasion.

With consideration and respect,

I remain, gentlemen,

Your most obedient servant,

**T. P. ANDREWS,**  
*Special Agent.*

To Colonels **W. JOURDAN,**  
**SEABORN JONES,**  
**WM. H. TORRANCE,**  
*Commissioners.*

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No 13.

*Georgia Commissioners to General Gaines.*

**CRABTREES, CREEK NATION,**

30th June, 1825.

**DEAR GENERAL:** Should the acting Agent for Indian Affairs decline taking the necessary steps to have Kendal Lewis at Princeton on Saturday next by 12 o'clock, we trust that you will issue an order directed to Capt. John S. Thomas, who is the acting Marshall to the mission from Georgia, and who will execute with promptness and fidelity any order coming through you or the Agent.

With high respect and consideration,

We remain, your most obedient and

Very humble servants,

**WARREN JOURDAN,**  
**WM. W. WILLIAMSON,** } *Com'rs.*

To the foregoing communication, Gen. Gaines made a verbal reply through me, stating that he had taken the necessary measures, and addressed a letter to the Agent, who would use his endeavors to have the witness present.

**M. J. KENAN,**  
*Secretary to the Mission.*

No. 14.

*Georgia Commissioners to General Gaines.*

CRABTREES, 1st July, 1825.

DEAR GENERAL: We shall attend, to-day, at the hour of 2 o'clock, P. M. to take the testimony of the Little Prince, O-poethle-Yoholo, Sandy Graison, Jno. Riley, and Benjamin Hawkins, of which you will please inform Col. Crowell. It is not our intention to have this examination in the square, because it will be very lengthy, and there will be no convenience for our Clerk to take down the answers; we shall object to Col. Hambly as an Interpreter; we shall select Hawkins. We wish Col. Crowell to select another. You will please invite the above witnesses to your quarters, where, by your permission, the examination will take place.

Very respectfully, yours, &amp;c. &amp;c.

WARREN JOURDAN,  
WM. W. WILLIAMSON,  
*Commissioners.*

No. 15.

*Major Andrews to the Georgia Commissioners.*

PRINCETON, INDIAN NATION,

July 1st, 1825.

GENTLEMEN: Your letter, of this date, to General Gaines, has been referred to me, as well as the subject to which it relates. Col. Williamson was present in the square yesterday, when the Chiefs positively refused to have a conversation with you, or suffer any examinations, except in public, in the open square, or Council, and made no objections, or was not understood as making any. I have, therefore, to remind you of that determination, and to inform you that you shall have for your Clerk, all the facilities which have been enjoyed by the General and myself in our written intercourse with them, which has been considerable. Both the General and myself will take pleasure in affording you all desirable and possible facilities; but all questions put to the Indians must be in writing, that they may not be subject to be misapprehended. This is a course which the officers of the General Government have felt themselves bound to pursue, and one which it is thought is due, in fairness, to the Indians.

Very respectfully.

Your most ob't serv't.

T. P. ANDREWS.

*Special Agent.*

To Cols. WARREN JOURDAN,  
WM. W. WILLIAMSON, *At Crabtrees.*

No. 16.

*Georgia Commissioners to Major Andrews.*

PRINCETON, INDIAN NATION,

July 1st, 1825.

SIR: Your communication of this morning, in reply to ours of the same date, has been received. We cannot see the analogy between the cases cited.

In your's and the General's correspondence with the Indians, we presume, from your note, it has been conducted in writing; you have had time and leisure in your rooms to make your communications; the Indians, on the other hand, have had reasonable time allowed them to respond. Your objects have been national; ours relate to the elucidation of a few facts, and to correct erroneous opinions in relation to a few incidents connected with the late disturbances. We respectfully, and in great deference to the opinions of you and the General, ask, as a right due to Georgia, to examine a few Chiefs in Gen. Gaines' room, or Major Rockwell's, the counsel for Col. Crowell. We ask it from the following considerations: First, that the examination and cross-examination would, in all probability, consume a day. Secondly, that we always intended, and have always so expressed ourselves, that it should be under the immediate observation and control of General Gaines and yourself, under the observation of Col. Crowell and his counsel; under such an arrangement, we cannot withhold the expression of the opinion that, if any advantage existed, it would certainly be on the side of the Agent. Thirdly, it does not seem reasonable to us, in the compliance of an unreasonable request by the Indians, that they will hold no converse or communication with the Georgia Commissioners, unless in the open square, that we should be subjected to all the inconveniences of the most inclement season, when no possible injury could result to themselves or the Agent, in pursuing the course we propose. Fourthly, from the facility of communication with themselves by signs, as well as in language we do not understand, we are firmly of the opinion, that no possible good could result in the examination we propose, if their proposition be adopted. No possible injury could result to any person, from the adoption of the course we propose, under the restrictions and safeguards we accede to. Fifthly, if we have not been misinformed, the Agent has had all the benefits and indulgences extended to him we ask for, or claim. We would respectfully suggest to General Gaines, to recall to his recollection the distinct and positive understanding on this subject in his room, between the Georgia Commissioners and himself.

The interrogatories we proposed exhibiting, are reduced to writing, and we had no wish to submit them in any other form. It belongs to you, gentlemen, exclusively, to say, whether the like indulgence will be afforded us.

With great consideration and respect, yours, &c. &c.

WARREN JOURDAN,

WM. W. WILLIAMSON,

*Commissioners.*

Major T. P. ANDREWS.

No. 17.

*Major Andrews to the Georgia Commissioners.*

PRINCETON, INDIAN NATION,

July 1st, 1825.

**GENTLEMEN :** Your communication, in reply to my letter of this morning, was handed to me whilst General Gaines and myself were engaged in Council with the Indians at Broken Arrow; I immediately handed it to the General, who stated your request to the Chiefs in Council, and urged them to accede to it.

I am requested, by General Gaines, to say, that *he* has no objection to the Chiefs meeting you *at any place*; but, that the objection is made by the Chiefs themselves; and that he is not disposed to insist on their doing so against their own determination. My objection relates solely to any questions being put to them, that are not in writing; and, by that means, placed on record, and out of danger of being misapprehended. My objection was elicited in consequence of having understood from Gen. Gaines, that Col. Jones, of your Board, refused to put them in writing.

You will permit me to remark, that, on the score of time, neither General Gaines nor myself can but think that you have had, at least, as much time in which to make your examinations, as any other person or persons whatsoever. Indeed, from the number of your Board, it is thought that you enjoy, in that respect, very great advantages. The only questions put to the Indians, in relation to the Indian Agent, were propounded to them, and answered in the course of an hour or so, without leaving the Council, and not as supposed in your communication.

As regards the exposure of the Commissioners of Georgia to the inclemency of the weather, I cannot but remind you, that it is an exposure which the General and myself would have taken pleasure to share with you, although we have already been exposed to that weather for some time without intermission.

I take this opportunity of assuring you, that you have been misinformed in supposing that the Agent has had the "benefits and indulgences which you ask for."

The General directs me to say, that he does not consider himself as having had any understanding which militates, in the smallest degree, from his present determination, of not compelling the Indians by force (if he had a force near him, which you know is not the case,) to attend the examinations in the particular manner you request of him. He has not only requested them, but urged them, so far as he could do so with propriety, to accede to your request, which they have replied to with great fixedness, as you will perceive from their reply, which he requested me to say, will be handed to you as soon as it can be made out and copied.

With high consideration and respect,

Yours, &c. &c.

T. P. ANDREWS,  
*Special Agent.*

To Cols. WARREN JOURDAN,  
WM. W. WILLIAMSON, *Commissioners.*

No. 18.

*Major Butler to Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, July 1st, 1825.*

GENTLEMEN: Major General Gaines yesterday communicated to the Indian Council, in the presence of Col. Williamson, the wishes of the Georgia Commissioners to examine a few of the chiefs; and remarked, that it would not be necessary for them to remain in Council after to-day, as the Commissioners were desirous to take their testimony out of Council. Hopothleyehola, Speaker of the Creek nation, answered, that the Council would remain in session if the General wished it; but that he would transact no business in private with the Georgia Commissioners.

Having received your request this day, the General accordingly notified the Council.

Hopothleyehola replied, that the plan pursued by the Georgians of taking them out of their square, had caused all their troubles, and imposed on the General the necessity of coming here.

He repeated their determination not to meet you privately; and remarked, that private meetings, where persons do not adhere to the truth, make difficulties, and have brought General Gaines here.

He observed, moreover, that he did not know what further to say to you, as you had learned their difficulties through Mr. Compere, and that he thought their business was with General Gaines, as the President required information. That the Indians were involved in their present difficulties by the Georgians; and, as the General was about to succeed in settling them, they thought it best to refrain from any interview, lest it should prevent his success, and put him to the inconvenience of returning again; that Georgia intrigues had brought them from their crops, which were necessary to feed their little children; and that the Muscogee nation and Georgia, were like two children that quarrel, and, if one is stronger than the other, he tells lies on him, puts him in the wrong, and then gets him whipped for it.

General Gaines here remarked, that there were good people in Georgia as in all other States; to which Hopothleyehola assented.

He concluded his remarks by saying, that he supposed the Master of Breath had decreed that the Muscogee nation should be reduced and imprisoned; that the time had arrived, and he presumed it must happen.

I have the honor to enclose the above remarks, literally, as they were taken down by me, for your satisfaction and information.

Very respectfully, your obedient servant,

E. G. W. BUTLER,

*Aid-de-Camp and Secretary to the Mission.*

To Col's. WARREN JOURDAN,

WM. W. WILLIAMSON,

*Commissioners.*

We certify that we were present during the above remarks, and that they are correct as reported by Lieutenant Butler.

WM. HAMBLY,

*U. S. Interpreter.*

BENJAMIN HAWKINS,

*Interpreter for McIntosh party.*

No. 19.

*M. J. Kenan to Major Butler.*

CRABTREES, CREEK NATION,

3d July, 1825.

Major BUTLER.

SIR : I am directed by the Commissioners on the part of Georgia to acknowledge the receipt of your communication of the 1st instant, detailing, at great length, the reasons assigned by Hopoethleyoholo and other chiefs, for declining the proposition of the Georgia Commissioners to be "examined in private." No such requisition as this, Sir, has as yet been made, nor was it ever intended. The wish and request of the Commissioners was, that he, together with other chiefs, should be examined separately and apart, and under every restriction and safe-guard which the General, the Special Agent, and the counsel for the Agent, might suggest.

In replying further, I have been directed to say to you, that the Commissioners believe the statements attributed to Hopoethleyoholo, to have been interpreted to you in the manner related. But, that if the Recording Angel was to make such a statement as coming from Hopoethleyoholo, they still should be incredulous, and of little faith. In making this declaration, they wish not to be understood as intending any insinuation, the most remote, against the majesty of Him who sits enthroned in justice, wisdom, and truth; and who, they believe, is, at this moment, taking special cognizance of the transactions of men; but to convey to you, in the strongest terms, the utter and unavailable attempt to impose such statements on the representatives of Georgia, as the unaided effusions of the Speaker of the Council of the Creek nation of Indians.

They must conscientiously believe that every person who possesses an acquaintance with their situation and capacities, and who would be governed in their opinions and belief by the dictates of truth and impartiality, would irresistibly conclude that this is not the language of an untutored savage. No, Sir, they believe it to be the work of "that wily and perfidious individual whose life and character have been too much diversified and too strongly marked, to make him a fit officer of public trust;" of him, who, if half that is said be true, is the most corrupt and unprincipled being that disgraces and dishon-

ors even Indian society; of him who it is said was the faithful pilot to Packenham's army in their advance upon New Orleans; who, it is also said, was the commander of a large detachment of Seminole Indians in the late war, and afterwards commanded a celebrated Negro Fort on the Apalachicola, at the close of the late war; and who, to cap the climax, is, at this time, the trustworthy and confidential Interpreter of your Government. And this, Sir, is the immaculate individual whose vices and whose crimes are proverbial, who, under the specious pretext of an Indian talk, is licensed to abuse indiscriminately the Government of Georgia, its public functionaries, and its citizens. From such an Administration and such Agents may we speedily obtain a happy and constitutional deliverance.

It is due to the Commissioners and to the legitimate authorities of Georgia, to say thus much, and not from any respect to the individual who is the subject of it: for, if he alone had been concerned, a moment's reflection would not have been bestowed on him.

You will, no doubt, think the remarks concerning Mr. Hambly to be acrimonious: they nevertheless are deemed just, and necessary to a vindication of their conduct, and the respectable citizens of our much beloved State, upon whom, of late, copious showers of slander and abuse have been gratuitously and wantonly poured.

An allusion has been made to the Rev. L. Compere—a passing remark will suffice on that subject. The Commissioners think him a fit associate and companion of the Interpreter of your Government; and they are confirmed in this opinion from the reflection that he has, with the most unblushing effrontery, made public a statement relative to the late disturbances in the Creek nation, which he refuses to confirm by affirmation or oath. A statement with which truth has no connexion; and they are justified in the conclusion that when gentlemen of his cloth turn hypocrites and degrade the dignity of their office they become the most mercenary and deceitful revilers of truth, regardless alike of every moral principle and every sentiment which bind, govern, or influence, the conduct of pious or honest men. They ask pardon of the Rev. gentlemen for not assigning him an honorary rank and membership in the dishonorable purpose of misrepresentation, defamation, and falsehood.

In conclusion, permit me to remark that no offence is intended you in this reply. They wholly disclaim any such wish or intention. Your deportment has been marked with more courtesy and respect than any other public functionary belonging to your mission, with whom they have transacted business.

Very respectfully,

Your obedient servant,

M. J. KENAN,

*Secretary to the mission.*

To Major BUTLER, *Princeton.*



No. 20.

*Major Butler to the Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Creek Agency, July 3d, 1825.*

GENTLEMEN: Your communication of this date is now before me. The remarks which I submitted to you yesterday, were, as I then informed you, "for your information and satisfaction;" and I owe it to Georgia and to myself, to say, that delicacy would have prevented me from furnishing those remarks had you not urged the separate examination of certain Chiefs, after they had positively declined, in presence of Col. Williamson, to meet you out of council.

If, in using the expression, "examined in private," in contradistinction to examined in council, I did not convey your meaning, I hope you will pardon me.

In replying to your remarks concerning the incapacity of Hopoethle Yoholo, I cannot but express to you, gentlemen, the pride and satisfaction I experience in being afforded an opportunity of offering my feeble testimony to the independence, frankness, and astonishing natural abilities, which so eminently distinguish this noble warrior. There can exist no reasonable doubt of the extraordinary powers of his comprehensive mind. I have seen them elicited on various occasions, through the medium of four different interpreters, and witnessed by men of talents and integrity.

So far as relates to Mr. Hambly, U. S. Interpreter, I beg you will forgive me for not concurring with you in your opinion. I have no reason to doubt his integrity, and, when I say he possesses the confidence of Andrew Jackson, with whom he served on trying occasions, I offer you the highest evidence I can afford of his integrity, at least so far as he was concerned with the Seminole Indians and at New Orleans.

Of the correctness of his interpretations before the Council, I will merely remark, that it is confirmed by the testimony of four interpreters, one of whom belongs to the M'Intosh party, and had been selected by the Georgia Commissioners. The importance of my official duties prevents me from replying more fully to your communication, but, while I tender you my most respectful acknowledgments for the complimentary manner in which you mention my deportment, I spurn your insinuations against the General Government, under which I have the honor to hold a commission.

Very respectfully, your obedient servant,

E. G. W. BUTLER,

*Aid-de-camp and Sec'y to the Mission.*

To COLS. WARREN JOURDAN,

WM. W. WILLIAMSON,

*Georgia Comm's, at Crabtrees.*

No. 21.

*Georgia Commissioners to Gen. Gaines.*

UCHEE BRIDGE, 3d July, 1825.

SIR: We have, this evening, received a letter from Major Butler, as Aid-de-camp and Secretary to the Mission, in which we find he has made a mistake. We notice it that it may be corrected. Major Butler states, that, "of the correctness of his (Hambly's) interpretations before the Council, I will merely remark, that it is confirmed by the testimony of four interpreters, one of whom belongs to the M'Intosh party, and had been selected by the Georgia Commissioners."

In the employment of Benjamin Hawkins, for we presume he is the one alluded to, as Interpreter, we must positively disclaim any Agency, even a recommendation. It was a matter about which we were not consulted; and the first intimation we had of it, was your declaration, at the time you were about entering into the conversation with Little Prince, (and at which you had invited us to attend) that you had brought him with you as a check upon the other Interpreter. We then expressed ourselves satisfied with the arrangement you had made.

Instead of answers to the interrogatories submitted by us to Kendal Lewis, we this morning received the interrogatories themselves, with information that he had absented himself. We are therefore under the necessity of requesting you, to issue an order that he may be brought before us for examination. We would be glad to have copies of the *talks* which have passed between yourself and the Indian Council, either in writing, or which were taken down by Maj. Butler, that we may be able to lay them before the Governor of Georgia. As Maj. Butler may be very much engaged, our Secretary, Mr. Kenan, will take great pleasure in making the transcript; and he will only have to subjoin his certificate after he has examined them.

With considerations of high respect,

We are Sir, your obedient servants,

SEABORN JONES,  
WARREN JOURDAN,  
WM. W. WILLIAMSON,  
WM. H. TORRANCE,

*Commissioners.*

No. 22.

*Lieut. Butler to the Georgia Commissioners.*

HEAD QUARTERS, EASTERN DEPARTMENT,

Creek Agency, July 4th, 1825.

GENTLEMEN: I am instructed by Maj. Gen. Gaines to reply to your communication of the 3d instant.

You say that I was mistaken in my remark, that one of the Interpreters, meaning Hawkins, "had been selected by the Georgia Commissioners."

You acknowledge that you expressed your satisfaction with Gen. Gaines' arrangement of using Hawkins as a check upon the United States' Interpreter ; and, in your communication to Gen. Gaines, of the 1st instant, you remark, " we shall object to Col. Hambly as Interpreter ;" we shall select Hawkins.

The General further instructs me to say to you, that Kendal Lewis declared to him that he knew nothing but from reports ; and, if he has refused to give his testimony, he has not the power to compel him : that the authenticity of the Indian talks having been denied by the Commissioners, he deems it proper to detain them until they can be officially promulgated ; and, finally, that his courtesy having been impeached by the Commissioners, notwithstanding his efforts to meet their wishes, so far as was consistent with his official duties, he thinks it proper that your correspondence should cease.

Very respectfully,

Your obedient servant,

E. G. W. BUTLER,

*Aid-de-Camp, and Secretary to the Mission.*

Col. S. JONES,

W. JOURDAN,

WM. W. WILLIAMSON,

WM. H. TORRANCE,

*Georgia Commissioners.*

— — —  
No. 23.

*Messrs. Smith, Compere, and Hill, to the Georgia Commissioners.*

To MESSRS. JONES, TORRANCE, and JOURDAN :

GENTLEMEN : Since our interview with you on Saturday last, we have considered your request, and, therefore, beg leave to assure you that while for your individual persons we entertain sentiments of the highest respect, and feel no desire to infringe on you in your official capacity, we are compelled, by a sense of propriety, to decline answering any questions either upon oath or affirmation.

But as we have no disinclination to afford you what information may be in our power, we are willing to answer questions you may propose to us, provided such inquiries are made in writing, and our answers may be given in the same way. We beg leave further to state, that, if our communication should be deemed important, and the United States should require us to give it the validity of an oath, that we shall be willing to accede to it.

With sentiments of respect,

We remain yours,

ISAAC SMITH.  
LEE COMPERE,  
W. C. HILL.

*Asbury, June 27th 1825.*

A.

*Report of Messrs. Jones and Torrance.*

MILLEDGEVILLE, July 15, 1825.

**GENTLEMEN :** We arrived at Kendal Lewis' about 10 o'clock on the morning of the 28th June. After waiting some time, we entered into conversation with Kendal Lewis, and were informed by him that he was present when the observations were made by Col. John Crowell, the Agent, which were proven by Jesse Cox. That he had seen Cox's statement in the newspapers, and that Cox had sworn to the truth ; and had not told any more than was said. We informed Mr. Lewis, we had come on to take his testimony ; to which he objected, saying he did not know any thing but what he had heard. We told him we wished to examine him as to what he heard Crowell say. This he said, could be proved by others as well as himself. That Jesse Cox, Drury Spain, and others were present, and that Cox had sworn to it, and that was sufficient. We told him that Cox had sworn, but that we understood the Crowells said Cox had stated a lie. He said Cox had sworn to the truth, but that he could not give his testimony. We then told him we would apply to Gen. Gaines for an order to compel him to appear before him, to give his testimony, which we had not a doubt he would give ; but, if he refused, we would make a statement of the facts to the Governor of Georgia, and he would apply for an order to the Secretary of War, or the President. He said he would not give his testimony. But, if General Gaines issued an order, he would not disobey his order. We then wrote a letter to Cols. Jourdan and Williamson, informing them of these facts, and requesting them to apply to Gen. Gaines for an order to require Lewis' attendance.

While urging Mr. Lewis to be sworn, we inquired into the cause of his refusal. He declared that he was afraid all his property would be taken away from him if he testified. He told us that it was generally understood among the Indian Countrymen, (white men in the nation,) that, if they all adhered to the Agent, and he was not displaced, the treaty would be broken, and they would get their land back. But, if they testified against him, and he was discharged, the treaty would be good, and they would have to give up their lands ; and that they were all afraid they should lose all their property if they swore any thing against the Agent.

About two o'clock we took the testimony of James Moss, and about three o'clock, left Lewis' and reached Crowell's house, twenty miles off, that evening. We proceeded to Montgomery, (Alabama) and took the depositions of John A. Peck, Henry Finch, and John M. Bach. Being unable to find Captain Anthony, we returned to Crabtrees, on Sunday the 3d of July, and joined the other Commissioners.

SEABORN JONES.  
WM. H. TORRANCE.

*To the Georgia Commissioners.*

## B.

*Report of Messrs. Jourdan and Williamson.*

MILLEDGEVILLE, July 13, 1825.

**GENTLEMEN:** On Tuesday the 28th ultimo, we proceeded to the duties assigned us in relation to preparing and arranging interrogatories to be propounded to several of the Head Chiefs of the nation, and, also, to some of the white men resident there, which we proposed to have answered immediately after General Gaines had announced to us that he had concluded his business with the Council.

In a conversation shortly afterwards, with General Gaines, on this subject, one of the Commissioners frankly stated to him that we had no reliance on aid being afforded us from any other quarter; he stated, in confirmation of his former assurance to us, that he had the power, through the Agent for Indian Affairs, to assemble the Chiefs and Indian countrymen at any time and place he thought proper, and that our wishes in that particular should be attended to. From this two-fold assurance, we felt confident no obstacle would be interposed. A list of witnesses we were desirous of examining, was made out and handed to General Gaines. Interrogatories corresponding were made out which consumed two or three days in the preparation and arrangement. From an examination of the correspondence herewith submitted, you will perceive that an objection was interposed as coming from the Chiefs, to the transaction of any business with the Georgia Commissioners unless in full Council, and the insulting and indecorous language in which they were indulged in communicating that objection to us. You will also be informed that the objection was sustained. Our feelings will not permit us to comment on this transaction in a becoming manner; because it would necessarily involve the integrity of character which all should sustain, holding high offices under, and possessing the confidence of, the General Government. When it suited General Gaines' purposes and convenience, we were denied a "participation" in the Council for reasons stated. When it comported with the views of the Chiefs to enable them to evade truth, we were invited to the Council. When white men attended for examination, whom, it was believed, had honesty enough to swear the truth, and through fear for their safety evaded it, the exercise of the power which could coerce their attendance, was denied.

You will not need the spirit of inspiration to enable you to understand and properly appreciate (as we believe) the motives which influenced such conduct. When you are informed that General Gaines declared, in our presence and hearing, that the statements of Hopoethleyoholo made in council were true, and that it was impossible to resist the conviction; that he, General Gaines, would believe his statements against the congregated world. During this conversation, we stated to General Gaines, that, if Hopoethleyoholo's statement was understood by us, it was generally untrue, and that, if he, General Gaines, would permit us to examine the Chiefs separately, under any and every

restriction he might impose, we pledged ourselves to prove to his satisfaction, that Hopoethleyoholo had lied. General Gaines replied, it was impossible, and said that he never knew an Indian to tell a lie in council. The Commissioners then asked him if he had not the same confidence in the friendly Indians; to which General Gaines assented. We assured him that, if Hopoethleyoholo's statement was submitted to them, they would give it the lie, and that their statements would be confirmed by the Commissioners on the part of the United States, and every person attached to the mission. To which General Gaines replied, he would submit our proposition to the council the next day.

From such unqualified declarations, (to say the least of them,) very insulting to the character and dignity of the State; with the testimony of the United States' Commissioners; the testimony of many other respectable witnesses, confirming their statements in relation to one of the charges, (his opposition to the treaty,) staring him in the face; we are constrained to believe and to declare to the world our opinion, that this case has been prejudged. And we are the more confirmed in this view of the subject, when we take in connexion the views of the Special Agent, couched in his letter to Colonel Crowell; lately published in the Patriot; and which letter, from a subsequent letter, seems to have been approved of by General Gaines before publication.

The suspension of the Agent, with the accompanying explanation, so far from having the effect to "elicit unbiassed testimony," produced the opposite result. It was a very general belief entertained by both white and red men, that his removal from office was certain. When, therefore, the fact was publicly announced at Broken Arrow, that he was suspended temporarily, and that, too, from mere courtesy to the Governor of Georgia, the effect produced was obvious and extensive. The conviction could not be resisted; his re-instatement in office was no longer doubted. We shall still feel the influence of his authority and power. This was remarkably exemplified in many cases, a few of which will be cited: The case of Kendal Lewis, of which you are informed, who eloped secretly without testifying. The case of a respectable gentleman, resident in Florida, who for having casually conversed with one of the Commissioners was ordered (as he stated) not to hold any conversation with, or interpret any conversation held between the Commissioners and Indians, who was grossly insulted publicly by General Gaines, and his head threatened to be cut off. The case of Josiah Gray, (one of the Chiefs who signed the treaty,) who had a like conversation with two of the Commissioners, was told by Hambly (as he, Gray, informed us,) that General Gaines was much offended with him and us. The case of an Indian whom we hired as a pilot to facilitate an examination of the river, with a view to ascertain where the line of Georgia would leave the Chattahoochee; on his being spoken to by some persons to us unknown, he immediately returned the money given him for the trip, and said he could not accompany us, as he had been much abused for consenting to go. The case of Mr. Martin, a gentleman who had been selected by the friendly Chiefs to write their talk; for this little manifestation of friendship

he was much insulted and abused, and threatened with decapitation. During the development of these untoward occurrences, an express was received from his Excellency the Governor, notifying us of his wish that the Indians should be made acquainted with the intentions of our Government in relation to the contemplated survey and the innocence of the measure. In obedience thereto a short talk was prepared; we attended the council for the purpose of communicating it. General Gaines peremptorily forbid the communication, and added, that he was instructed to say the survey would be prevented.

The circumstances and incidents just detailed, trifling and unimportant as some of them may appear to distant observers, had a most powerful influence in directing every thing in a given channel.

We have detailed some of the causes which operate the non-fulfilment of the principal object of our instructions, and which came more immediately under our observation. The following consideration suggests itself on this branch of the subject: that the declaration of General Gaines to the Indians to hold no talks with white men, operated wholly to our exclusion; and that while all conversation about matters then the subject of investigation and negotiation was wholly interdicted to us—the most free and unrestrained conversation and communication was kept up and permitted with the Indians by all other persons present, even with notorious Sub-Agent Walker.

We feel it a duty we owe to the State and to humanity, to offer a few brief remarks in relation to the sanguinary law which has been offered as a full justification and extenuation of the cruel and unjustifiable murders lately committed in the Indian nation, and to enforce which, the meek, charitable, and unbounded philanthropy of the followers of the Saviour of the World have been called into requisition. If murders, rapine, plunder, and devastation, are the doctrines best to inculcate in the system adopted by these Missionaries, instead of peace and good will to men, and charity and love as extensive as creation itself, then all christendom have to learn what a few Missionaries have discovered by a short residence in a peculiarly appropriate situation for the exercise of the finer feelings of our nature.

The inconsistent and contradictory statements of those whose interest it is to establish the law, confirm the opinion that no such law existed until the Tookaubatchee and Pole Cat proceedings. Some contend it was passed at Fort Hawkins: there are others who refer to a time for its passage immediately after the treaty at Fort Jackson; some others contend for Broken Arrow; while others contend that it was promulgated last year at or near the Missionary establishment at a ball-play, and solemnly proclaimed from "a cart on the Lord's day." The latter is the declaration of the Rev. Isaac Smith. The Interpreter, Hambly, from his long residence in the nation, must have known the time and place of its enactment, if such a law was in existence. In his testimony he swears (and, from his character, we would suspect him of a willingness to swear any thing,) such a law was passed several years ago, and re-enacted in all the towns. He conceals the truth, and evades detection by not adverting to the time or

place of its passage. This is the celebrated law not to be found in the National Code, and which has never been seen by any person; (so says the Rev. Isaac Smith in his examinations,) which has been conjured up by white men (and put into the mouths of the Indians) to suite their own purposes, and the pretext for the murder of McIntosh and his friends. If such a law has ever existed, made and enacted in full council, as contended for, with such severe penalties annexed, is it reasonable to suppose that so much uncertainty would exist as to the time and place of its enactment? Is it not irrational to suppose that, if such a law was passed with so much solemnity as is apparently urged, the nation would not have inflicted its penalties upon those who ceded away lands in '18 or '19, and upon those who subsequently ceded away the lands between the Ocmulgee and Flint rivers in 1821? When by referring to the latter treaty, it will be found but two Alabama Chiefs signed it, why did this law sleep on those several occasions so important, and calling so imperiously for its execution? Wherefore have not its terms and its penalties been heretofore proclaimed to deter delinquents from its repeated violation? So much for this imaginary law.

We shall proceed concisely to notice two other facts connected with these transactions, and close this report. It seems to have passed unnoticed, that the Chiefs who gave the order for the death of M'Intosh and his followers, as well as those who executed that order, were from those towns, who were excluded in the late treaty, who ceded no land and who sustained no injury; and that the same Chiefs governed and directed in the late council at Broken Arrow, with what propriety or justice let those answer whose duty it is to make suitable atonement, and repair the wrong. It should also be recollected by those who have to weigh the merits and demerits of the injured party, and whose duty it is to judge of the extent of the double obligation imposed by important services rendered, and the most inviolable attachment and fidelity manifested on the most trying occasions; that, during the late war, the Creek nation experienced a civil disunion; those resident principally beyond the geographical limits of Georgia, identified themselves with the enemies of the United States, and fought in their service, the present Interpreter amongst the number; those resident on the Georgia side, united themselves with the forces of the United States, and fought bravely in our defence. The latter, in the fortuitous and fortunate course of events, became the conquerors. They held the country, not by the slight and uncertain tenure of possession only, but by right of conquest; a principle recognized by civilized nations, and acknowledged by the Government of the United States, and confirmed by their subsequent acts. It was in pursuance of this incontestable right and well established principle, that the McIntosh party have held, and, at their good pleasure, have ceded away, at various times, their rightful domain. If in any instance, they enacted such a law, as before referred to, their subsequent acts must have abrogated it. The Red Stick party was conquered; they forfeited their lands to the United States, as the price of their defection, and to compensate



the Government for the expenses of the war and losses sustained. By this act, they were disseized of that common and general interest in the country, which rightfully belonged to them previous to the war. They became tributary to the dominion of McIntosh and his followers. The United States exercised the right and the power claimed in the treaty at Fort Jackson; they recognized the same power as belonging to those who fought and bled in her cause, by a public act, so long ago as 1817. The United States are bound by the universal principles of justice, by humanity and gratitude for important services rendered, for attachment and fidelity unequalled; by the solemn and imposing stipulations of a treaty; to do ample justice to the sufferers, when their sufferings, ruin, and distress, have been the consequence of their devotion to the General Government. In calling to our recollection the events alluded to, we find among those signing the late treaty, the distinguished Chiefs (living) who acted as officers in the late war.

It only remains to be seen whether or not the General Government will stand, by as a disinterested spectator of such tragic scenes, with folded arms, and see her faithful ally and friend murdered, and his family and friends ingulphed in inextricable misery and ruin; whether the plunderers shall revel in their unholy gain with wanton impunity; whether the cries of innocence, the widows weeping wail shall be mocked at and pass unnoticed; in fine, whether the General Government will solemnly promise protection, and refuse it when most needed.

WARREN JOURDAN,  
WM. W. WILLIAMSON.

*To the Commissioners of Georgia.*

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*Testimony of Wm. Meriwether.*

*Georgia, Clark County.*

Personally came before me, William Manley, one of the Judges of the Inferior Court for said county, William Meriwether, who, being duly sworn, saith, that he attended the negotiations held with the Creek Indians at Broken Arrow, in December, and at the Indian Springs, in February, last; that he occupied the same apartments with, and enjoyed the full confidence of, the Commissioners; and this deponent knows that the leading features of the treaty, as entered into at the Indian Springs in February, were well understood by all the Indians who took any interest in the subject, inasmuch as the same propositions, in substance, were made to them, and fully explained, at Broken Arrow, in December preceding. This deponent attended the treaty at the Cherokee Agency, in 1817, and also at the Indian Springs, in 1821, at which last he acted as Secretary, and the proceedings at each were, in substance, as follows: After the principal articles which were to be inserted in the treaty were agreed upon in private conver-

sations with the principal chiefs, various rough draughts of the treaty were made, some of the chiefs attending, from time to time, and suggesting such alterations as they wished; after it was completed, and ready for signature, the whole of the Indians were convened, the treaty read over, and interpreted to them, paragraph by paragraph, and the ceremony of signing and sealing gone through. This course was pursued at the late treaty with the Creeks at the Indian Springs, and every article had been fully explained, and was well understood by most of the principal chiefs who signed the treaty prior to their convention for executing the instrument; after the treaty was drawn up, and the Indians convened, each and every article thereof was distinctly read, paragraph at the time, and interpreted to the Indians, by Mr. Hamby, the U. S. Interpreter. There were present at the time, besides the U. S. Commissioners and the Interpreter, Captain Hay, the Secretary, Colonel Crowell, the Agent, Captain Triplett, the present Sub-Agent, and this deponent, besides several white men, residents of the Nation. This deponent has a most distinct recollection of the reading of the 5th article, or that which relates to the disbursement of the \$200,000 to be paid immediately after the ratification of the treaty, from the circumstance of noticing, at the time the article was read, a very considerable change took place in the countenance of Colonel Crowell, the Agent; which circumstance was observed by others present, and was the subject of after conversation. This article of the treaty was reluctantly inserted by the Commissioners entirely at the instance of the Chiefs. After the whole treaty had been gone through and explained, it was signed and sealed by the parties. There was no objection whatever made by Colonel Crowell or the Interpreter when called upon to witness the treaty; nor did this deponent ever hear from Colonel Crowell the slightest suggestion that the Chiefs present were not competent to make a treaty; nor does he believe that any such suggestion was made.

WILLIAM MERIWETHER.

Sworn to, and subscribed, before me, this 29th July, 1825.

WM. MANLEY, J. T. C.

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*Testimony of Josiah Gray.*

CRABTREES, Creek Nation, 3rd July, 1825.

Josiah Gray says, that, during the council at Broken Arrow, (that is, on the third day,) he received orders from the Little Prince to take the track back home, that he had no business at the council; and that, if he did not obey the orders in four hours, they would think further about [word omitted] meaning, as I supposed, they would do me some injury; that I was talking with the Georgia Commissioners, which they did not like, and that they had given orders to their people to hold no talk with the Georgia Commissioners; this order was given to me by the chiefs from the Oswechee and Uchee Towns; they said they re-

ceived orders from the Little Prince as above stated ; the names of the chiefs are Thaloc Tustunnuggee, Thelewahley Tustennuggee, and Skelishigah, from the Uchees.

JOSIAH GRAY, his x mark.

Done in the presence of

W. JOURDAN,

WM. W. WILLIAMSON, and

HAYNES CRABTREE.

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*Testimony of John W. Freeman.*

*Georgia, Baldwin County.*

John W. Freeman was this day brought before us, two of the Commissioners appointed by the Governor of the State aforesaid, to take testimony relative to the conduct of John Crowell, Agent for Indian Affairs for the Creek Nation of Indians, in obedience to an order, (issued by us for that purpose,) and, being duly sworn to state all the facts and circumstances which came to his knowledge, and also what he had heard, upon which his opinions were founded, deposeth as follows :

That, on or about the third day of May last, he arrived at the house of Haynes Crabtree, in the Indian Nation, four miles from Fort Mitchell, at night, where information was given that four painted Indians had been seen near, inquiring if that was not Crabtree's house. From this circumstance, and the fact that Carr (a mixed blooded man) had run away from their house, a considerable alarm was excited and apprehensions entertained, that the Indians intended some other great violence, in addition to the murder of McIntosh, which had just then taken place. Having my family with me, we set forward the next morning, on our way to Georgia. When we arrived at Sucky Randall's, on Little Uchee, she said that the Indians were going to kill Crowell, and that she told them that, if they did, they would play hell. We then proceeded, and arrived at Fort Mitchell. We there saw Colonel John Crowell, (the Agent,) who informed me that a runner had come to him from a town thirty miles off, who informed him the night before, that the Indians were going to kill him that night, (Tuesday night;) that he had collected a guard to protect him, and had about one hundred to guard him. I saw his house (in which he staid) had been barricaded by bales of blankets. General Bernard, and the others who were exploring the road route, were at Fort Mitchell that night. I saw many of the Indians who were painted; and Colonel Crowell said that he could raise about three or four hundred to guard him by night, and that they were not necessary in the day, as the Indians did not attack in the day. I suggested to Colonel Crowell the propriety of his calling on the Governors of Georgia and Alabama for assistance; that I thought they were bound by the constitution to render him aid. He said he differed with me; that he had

not a doubt but that the Governor of Alabama would render him all the aid in his power ; that as to Georgia he had nothing to say ; he had rather be damned or go to Hell, (I do not recollect which,) than to ask assistance of Governor Troup. He told me he would send for the Little Prince, (and did send while I was present,) to ask his opinion whether he had better leave the Nation ; and, if he concluded to go when he saw the Little Prince, that he would accompany me ; but that he thought it his duty to stay there at all hazards. I left him at the river. I met a number of Indians going to Fort Mitchell. When I arrived at Moss,' I learnt that Hambly's wife and family had left their house, and taken to the woods, which is usually done when the Indians go to war. Colonel Crowell said he was not surprised at the "damned fuss," nor ought the Government to be, as he had apprized it that a similar excitement would take place if the treaty was ratified. When I arrived at the Agency, I saw Henry Crowell, and informed him of his brother's situation, at the request of his brother, (John Crowell.) He said that when he was at the talk, the Monday before the death of McIntosh, he saw the devil was in them, (the Indians;) that he advised his brother, Tom Crowell, to move his goods away from Fort Mitchell, and offered him his (Henry Crowell's) own wagon to take them off. With regard to what took place at the house of Kendal Lewis in the Nation, I must decline to give any testimony until it be ascertained whether he can be compelled to give his testimony ; and, in case of his continued refusal to do so, I will then have no objection to state it in full.

J. W. FREEMAN.

Examined, sworn to, and subscribed, before me, this 8th day of July, 1825.

WM. H. TORRANCE,  
SEABORN JONES,  
*Commissioners.*

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*Deposition of Haynes Crabtree.*

CREEK NATION,

*Uchee Bridge, 4th July, 1825.*

By virtue of a commission from his Excellency the Governor of the State of Georgia, to us directed, to receive and examine testimony in relation to the conduct of John Crowell, Agent for Indian Affairs in the Creek nation, we have caused Haynes Crabtree to come before us, who, being duly sworn, saith : That he is well acquainted with William Lott, a witness who has been examined in behalf of the Indian Agent, Colonel Crowell : that he has known him since the year 1812 ; that the said William Lott has resided in the Creek nation since that period ; that he is well acquainted with the general character of said Lott ; that said Lott, from his general character

for ten or twelve years past, is, as the deponent verily believes, wholly unworthy of credit, on oath or otherwise.

**HAYNES CRABTREE.**

Sworn, and subscribed, before us, this 4th day of July, 1825.

**WILLIAM H. TORRANCE,  
SEABORN JONES,**

*Commissioners.*

*Testimony of James Moss.*

**CREEK NATION, at Kendal Lewis'.**

By virtue of a commission from his Excellency the Governor of the State of Georgia, to us directed, to receive and examine testimony in relation to the conduct of Colonel John Crowell, Agent for Indian Affairs for the Creek nation of Indians, we have caused James Moss to come before us, who, being duly sworn, saith : That, shortly after the time that the Reverend William Capers made application to the Council of Indian Chiefs for liberty for Missionaries to preach, (where they had been prohibited) he was present at conversations of the Agent, Col. Crowell, at the house of Thomas Crowell, at Fort Mitchell, in the Creek nation, and at other places, when the Agent states that Mr. Capers, in his application to the chiefs for leave to preach in the nation, referred to the laws of the United States, and urged the right to preach wherever the United States had authority ; but that the chiefs refused him : that, to get them to refuse, he, the Agent, before the chiefs went into Council, went to the tent of the Big Warrior, and gave him a talk not to let the Missionaries preach to the nation.

Deponent further states, that, some time since, he believes in the year 1822, in a conversation that the Agent had with him, the Agent told the deponent that himself and Thomas Crowell, his brother, had failed for a large amount, he believes between the sums of thirteen thousand and seventeen thousand dollars : that he had placed his brother, Thomas Crowell, at Fort Mitchell, to make what money he could, to pay off the debts of the firm ; that, at the time, Thomas Crowell had a considerable stock of goods in the nation, at Fort Mitchell ; that, while David B. Mitchell was agent, Drury Spain, a white man resident in the nation, sold to the Cussetah Indians about twenty hundred, or twenty-five hundred dollars worth of goods, for which several of the Cussetah chiefs gave him an obligation to pay the same ; that the same was not paid until the present Agent came into office ; that Mr. Spain applied to the Agent to aid and assist him in getting the amount, but that the Agent refused, and said that he would not render Mr. Spain any assistance to get the same ; that, after a lapse of more than a year, Mr. Spain sold the obligation to the Agent's brother Thomas, and another person, at a reduction of five hundred dollars, or thereabouts ; the Agent said that he

would see that Mr. Spain was paid for a Flat (a ferry boat) that he built; that, after the transfer of the obligation above named, the deponent was keeper of a toll bridge in the nation, which belonged to the Cussetah Indians; that he received orders to pay over the money he received as toll, to the holders of the obligation, and he done so, while he kept the bridge; that he also saw credits on the same obligation, on account of payments made by money received from the Flint river ferry, at the Agency; that the deponent settled in the Creek nation in the Summer of eighteen hundred and twenty-one, within about forty miles of the Agency.

After the foregoing statements were made, Mr. Moss was asked by the Commissioners whether or not he believed (and, if so, the reasons of that belief,) that the Agent was friendly or unfriendly to the treaty. He stated that he heard the Agent say, a few days before the death of General McIntosh, that he had brought fruit trees from New York, and planted at the Agency, and fixed himself well, and that McIntosh had then sold him out; and, from a variety of circumstances, he verily does believe that the Agent was decidedly opposed to the treaty. That he heard one of the Cussetah chiefs, who went to the Indian Springs to attend the Treaty, say, that the Agent told Paddy Carr, who had acted as Interpreter for individuals, to state to some Indians, that, if they remained at the Springs that night, they would be compelled to sign the treaty next morning.

**JAMES MOSS.**

Sworn, and subscribed, before us, this 28th day of June, 1825.

**WILLIAM H. TORRANCE,  
SEABORN JONES,**

*Commissioners.*

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*Testimony of Henry Finch.*

**STATE OF ALABAMA, }**  
**Montgomery County. }**

By virtue of a Commission to us directed, to take testimony relative to the conduct of Colonel John Crowell, Agent of Indian Affairs, we have caused Henry Finch to come before us, at the house of Benjamin Williamson, in the town of Montgomery, who made the following statement, and was duly sworn to the same:

That, in the month of October, in the year 1821, he applied to Colonel John Crowell, Agent of Indian Affairs, for a license to trade with the Indians, and to know of him the terms on which it could be granted; that Colonel Crowell told him he would grant him one on his producing a certificate from some respectable person, that was a man of fair and respectable character, and give a bond with good security, in \$ 1000, that he would violate no regulations relative to the Indian trade. That he inquired of Colonel Crowell if he were

acquainted with James F. Frierson, Esq. and if his certificate would answer as to his, Finch's, character, and the sufficiency of a man by the name of Stone, whom he proposed to get as his security. To this Col. Crowell replied, that he was well acquainted with Mr. Frierson, and that his certificate would be sufficient. That he, Finch, then proceeded to Georgia; and saw Mr. Frierson, who told him he would write the Agent a letter on the subject. That he then proceeded and purchased a load of goods for the Indian market, and having the letter from Mr. Frierson, and the bond (which the Agent had given him) executed by himself and Stone, his security, he came into the nation and applied for a license to the Agent, and was positively refused. That he told the Agent of his promise, of his having laid out his money in consequence of it, for goods suited only for the Indian market, and of the loss he would sustain. That the Agent told him Spain would buy his goods. He replied, Spain had no money, and, if he sold on a credit, he [would] lose the tools he had to work with. That the Agent then told him Thomas Crowell (Agent's brother) would buy them; and to this he made no reply. Next morning, Agent told him he had concluded to give him a license to sell out that wagon load of goods, and asked him if he could do it in thirty days; to which he answered yes; upon which the Agent replied, there was one. He then left him and sold his goods. After the month was ended; on his way from the Alabama to Georgia, he had a conversation with Thomas Crowell, at Fort Mitchell or Princeton, and, talking about the profits of his late adventure, a partnership was proposed by him (Finch) between himself and Thomas Crowell, if he could get a license from the Agent. Thomas Crowell said he would write to his brother (the Agent) his views on the subject, if he (Finch) would remain till next day. Next day (which he now thinks was about the 4th of February, 1822) Thomas Crowell gave him a letter for the Agent, and he (Finch) proposed they should talk over the terms of a copartnership. To which Thomas Crowell replied, it was not necessary, as his brother (the Agent) could arrange the terms with him, if a license were granted. He then proceeded to the Agency, on Flint river, and handed the letter to the Agent. After the Agent had read the letter they commenced a conversation about the copartnership, the terms, &c. When there, the Agent drew up the articles between them, by which five hundred dollars were to be advanced by each, to constitute a trading capital, to be managed by him (Finch) in the name of him (Finch) for the benefit of him and Thomas Crowell; the profits were to be equally divided, after deducting all expenses, including reasonable wages for him, (Finch) and the partnership to continue during their mutual pleasure. That John Crowell, the Agent, then signed Thomas Crowell's name to the articles, and advanced four hundred dollars of the money to him (Finch.) The other one hundred dollars was never advanced by any one. That he never saw the contents of the letter written by Thomas Crowell to the Agent; and that his second license was dated about the 6th of February, 1822. That he traded among the Indians for nearly three years, and settled with

Thomas Crowell when he closed, and gave him up the articles which had been so signed by John and himself, and took his receipt for upwards of \$ 1300, in full for the stock and profits. That, while the co-partnership continued, he and Thomas Crowell bought from Drury Spain an account he had against the Cussetau Indians, for about \$ 2,500 or \$ 2,600, and gave him for the same \$ 2,000, one-half to be taken in goods, \$ 600 to be paid down, and the other \$ 400 to be paid a few months after. The reason why Spain sold them the account, as he then understood, was because the Agent refused to give Spain any assistance in getting his money from the Indians, and refused to pay him out of the money which came through the Agent's hands, for annuities, ferriage, &c. That, after he and T. Crowell purchased the account, they had no difficulty in getting the money paid over to them as it came into the Agent's hands, such as annuities, ferriage, &c. That a considerable part of the account had been paid, part by the Agent, out of the annuities, and part by him from the ferry, when the Agent resided at Flint river. When he settled with Thomas Crowell, about the first of last January, Crowell took the balance of the Spain debt as so much of his share. This deponent further states, that, when the partnership was entered into, there was a verbal restriction imposed on him, not to trade within ten miles of Fort Mitchell (Thomas Crowell's stand) except in passing. This deponent knows that there has been a store kept at Walker's, the late Sub-Agent, since the Fall of 1822, which was always understood to belong to him; that he, Walker, purchased and supplied it with goods, and acted, in all respects, towards it as owners of stores usually do; that it was on the main trading Federal Road, from Line creek to Fort Mitchell, and must have [been] seen and known by the Agent. This deponent saith, in explanation of that part of his testimony which relates to the annuity, that he received a part of the annuities of 1823, the balance remaining after paying the account due Thomas Crowell, but that he received none of the annuity of 1824, there being so small a balance remaining after paying Thomas Crowell's account (made after the payment of the previous annuity) that it was not worth attention.

HENRY FINCH.

The foregoing five, and part of the 6th pages, were read over by the witness, and corrected by his directions, and sworn and signed by him in our presence, this 30th June, 1825.

SEABORN JONES,  
WM. H. TORRANCE,  
Commissioners.



*Testimony of John A. Peck.*

STATE OF ALABAMA, }  
 Montgomery County. }

By virtue of a commission to us directed, by his Excellency the Governor of Georgia, to examine testimony in relation to the conduct of Col. John Crowell, the Agent for Indian Affairs in the Creek Nation, we have caused John A. Peck to come before us, at the house of Benjamin Williamson, in the town of Montgomery, who answered the following interrogatories, and was duly sworn to the truth of the same :

1st. Have you not lately resided in the Creek Nation, at the Agency ? If yea, how long did you live there ; whether on the Flint or Chattahoochee river ; and in what capacity did you act ? When did you go there to live, and when did you leave there ?

2d. Where was the distributing Post Office kept in the Creek Nation, when you first went there to live, and by whom ? Was it removed, and to what place ? How long was the distribution really made at the place to which it was removed ; and were not packages, for a long time, addressed to the Creek Agency, when they were really distributed at Fort Mitchell or Princeton, on the Chattahoochee ; and who was Postmaster when it was done ?

3d. Were you present at Broken Arrow, when the treaty was attempted to be made in December last, by Col. Campbell and Major Meriwether, United States' Commissioners, with the Creek Indians ?

4th. Did you not act as Clerk to the Indians in their Council, to draw up their talks, and do such other writing as you were directed by them ?

5th. Do you not know or believe (and state the reasons of your belief) that Col. John Crowell was opposed to a treaty and cession of lands ; and that he exercised his influence with the Indians to prevent one ?

6th. Did not Col. Crowell and Wm. Walker, late and then Sub-Agent, or Walker, with the knowledge, consent, and approbation of Colonel Crowell, assist the Indians by advise and counsel, and other ways, (and in what ways,) in drawing their talk or talks in answer to the Commissioners, and refusing to sell any land ?

7th. When the United States' Commissioners called on Colonel Crowell for certain papers, (some of which were in your possession,) did not Col. Crowell advise you not to give them up, and were they not withheld ?

8th. Do you know of any act or conversation of Colonel Crowell, which goes to show that he opposed the treaty at Fort Mitchell or Broken Arrow ? If yea, state the same.

9th. Were you present at the treaty of the Indian Springs ?

10th. Did you know of any act or conversation of Col. Crowell which goes to show that he did not sincerely and earnestly endeavor

to influence the Indians to a cession of land at the Indian Springs ? If yea, state the same at large.

11th. Have you seen the testimony of Jesse Cox, as published in the newspapers at Milledgeville, Georgia ?

12th. Were you not at Fort Mitchell or Princeton, when that conversation which he testifies to, took place ? If yea, state whether you did not hear it, or one substantially the same, at that place and time, and whether you have not heard, at other times, similar observations made by the Agent, Col. Crowell ; and when and where ?

13th. Were not the Indians unfriendly to the treaty, and McIntosh or many of the Chiefs and head men, about that time assembled at Broken Arrow, and holding secret Councils ? If yea, what was the general understanding of the business they were on ? Did not the Agent know or hear that general report, and did he really and earnestly take any measures to prevent their violent councils, or soothe or conciliate their angry feelings ?

14th. Was it not known by many persons, and have you not reason to believe that Col. Crowell knew that some of the Chiefs, at that time, determined to kill McIntosh ? If yea, state those reasons, and whether Col. Crowell gave any information of it, or attempted to prevent it.

*Answers of John A. Peck to the interrogatories put to him by the Commissioners, appointed by the Governor of Georgia.*

*Answer to the 1st*—That he removed to the Agency, on Flint river, about the 5th of February, 1822, and resided there until about the 12th of March, 1824, when he removed to Fort Mitchell, where he resided till near the last of April, 1825, when he removed to this place (Montgomery ;) about a month after he came to the Agency, he attended to a store for Thomas Crowell, and acted as Assistant Postmaster ; after a short time, he quit the store and attended only to the Post Office, and did such writing for the Agent as he called on him to do ; and, when he resided at Fort Mitchell, he was Assistant Postmaster.

*To the 2nd*.—The distributing Post Office was kept at Fort Mitchell, (called Coweta,) now Princeton, by John V. Porter. It was removed to the Agency on Flint river. For some time the distributing was done at the Agency, and, from the inconvenience of opening the mail in the day time, the unhealthiness of the Agency, and other reasons, I spoke to Col. Crowell to apply for its removal to Fort Mitchell. Upon receiving a letter from the Postmaster, authorizing it to be done, the distributing Post Office was removed to Princeton, and the business done there ; the packages were addressed to the Agency—as must be the case on every removal for some time. Col. Crowell was the Postmaster, and I was his Assistant.

*To the 3d and 4th*.—I was present and acted as Clerk to the Councils, though I did not attend the Council every day, and I drew up their talks, and did such writing as they requested me to do.

*To the 5th.*—I do not know, nor do I believe that Col. Crowell was opposed to a treaty for the cession of lands from any reasons that I have; nor do I know of his exercising any influence to prevent a cession.

*To the 6th.*—I do not know that he did.

*To the 7th.*—When the call was made, Col. Crowell came and applied to me, and asked if I had any papers which had been given to me by Little Prince in Council. He then requested me to give them up; to which I replied, I would not give them up, except to the Chiefs, and I was ready to do so at any time; Col. Crowell did not advise me not to give them; but requested me, if they were not very important, to give them up, as the Commissioners were already jealous of him.

*To the 8th.*—I know of none; on the contrary, he was quite reserved with me on that point.

*To the 9th.*—I was not.

*To the 10th.*—I do not.

*11th and 12th.*—I was living at that place, at that time, and have no recollection of seeing Mr. Jesse Cox there, at that time, and, of of course, have no recollection of any conversation held in his presence. I have heard the Agent say the Big Warrior was dead, and he expected he was gone to Hell, where he expected many more of us would go. This was in jovial conversation at table. I have also heard it it stated there, but whether from the Agent I cannot now recollect, that the Indians were damned fools; if they did not enforce their law, and kill McIntosh, he would never do any thing for them, as long as he lived; but I never heard him say so.

*To the 13th.*—I know of one Council that was held there in April last, which was for the payment of their annuity. That the Agent there told them, they must put up with the bargain; that he had been at Washington, and had been able to do this much for them; that the money was to be divided among them all, as well those who did not, as those who did, sign the treaty. They asked him if he signed the treaty. He told them he did only as a witness. He then left the Square. After a few hours, Big Warrior's son, Hopoethleyoholo, and a few others, came to Interpreter's quarters, and abused the Agent for having sold their land. The Interpreter (Hambly) then sent for the Agent; when he came, the Indians abused him, and said he was a land seller. He endeavored to explain to them the difference between his signing as a witness and as a party; but they were not satisfied, and left him abruptly. While the Indians were abusing Hambly, it was done in Indian, and they appeared to be in a passion; Tuskenah (Big Warrior's son) appeared very much so. I asked Hambly what they said, as soon as they ceased and were talking together. Hambly told me Hopoethley Yoholo, and the others, abused him for selling the land, and that he, Hambly, replied, yes, that he had done so, and, if they did not behave themselves, he would sell the balance, and them with it. After this I saw, Tuskenah. (Big Warrior's son) Hopoethley Yoholo, Little Prince, and Yaha Hargo, Yoholo Mico, and another, go out in the woods, and hold a secret or private council; but I do not know what it was for.

[*Note.* The Indian name was first written in this answer wrong, when, at witness' request, it was stricken out, and written Tuskenah, who is Big Warrior's son.]

*To the 14th.* I suspected the secret council was for that purpose, and named it to Captain Triplett, who laughed at me, and said they dare not. I told him I had a great mind to tell the Agent my suspicions. He replied, he will only laugh at you ; and then I said no more about it. I do not know whether the Agent knew or suspected it.

*To the 15th.* When I first came to the Agency, I did believe Colonel Crowell was interested in the store, and remained of that opinion till he came from Washington in 1822, and I have sometimes thought so since. When I was first spoken to, to come out, it was by Colonel Crowell, though he then told me he was not interested in the store ; that it was his brother's ; and he was employing me for his brother. While I was acting as Clerk in the store, he was particular in looking over, and telling me how things ought to be done, though this may have been from his interest for his brother's doing well.

JOHN A. PECK.

The facts on the foregoing seven pages were read over by, and corrected by, the witness, and then sworn to and subscribed before us, this 30th day of June, 1825.

WILLIAM H. TORRANCE,  
SEABORN JONES,  
*Commissioners.*

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*Testimony of D. G. Campbell and William F. Hay.*

GEORGIA, }  
Wilkes County, }

The annexed interrogatories being exhibited to us by Commissioners on the part of the State, we have this day appeared before the officer, attesting these our answers ; and being sworn, answered as follows :

1st. D. G. Campbell saith, that, at the late treaty concluded with the Creek Indians, he was one of the Commissioners on the part of the United States.

2d. A council was convened on Saturday evening, 12th February last, for the purpose of submitting a treaty which had been previously prepared. The council was composed of all chiefs and warriors who were upon the ground, as far as I know or believe. I did not discover that any were absent who had attended the previous meetings, except those who had absented themselves the night before, in the night. There were also present, the two Commissioners, William F. Hay, Secretary, Dr. William Meriwether, Colonel Crowell, the Agent, William Hambly, the Interpreter, Thomas J. Triplett, and several white men, residents of the nation. The reading of the treaty was

preceded by some remarks by one of the Commissioners in reference to the movements of the over night. The council were told that a step of that sort, let it be produced by what cause it might, was not to defeat the objects of the Government; that all chiefs of the nation had been notified and invited to attend; that we had been in council for several days, and that it had been ascertained who were, and who were not in favor of a treaty; that we considered the nation as still fully represented, and should proceed accordingly. These remarks were made by myself, and were, in substance, as I have stated.

The treaty was then produced, and the council informed that it would be read and interpreted to them distinctly, and that as many as chose to sign it, might do so, and those who thought proper to decline, could do so. The reading commenced, and progressed article by article, sometimes dividing an article when it was too long for easy interpretation. Hambly acted as Interpreter: he sat close by me, and was requested to speak loud enough for all to hear. At the close of each article, assent was expressed by the council by a sort of exclamation, after the manner of Indians. I do not believe that a single word was omitted. There was nothing in it which we wished to suppress or conceal. When the reading and interpretation were over, a pause ensued. No man, white or red, objected to the number or grade of those who composed the council. No opposition was intimated from any quarter. The Commissioners signed, and were immediately followed by the chiefs. After one or two of these had signed, Poythleyoholo, of the Tookaubatchee delegation, made the observations ascribed to him in the Commissioners' Journal, as I understood from Major Meriwether, who received the interpretation more distinctly than I did. The remarks of this chief were received most heartily by the other chiefs, as was evinced by their loud exclamation of assent. Himself and his followers, about six or seven in all, then shook hands with the Commissioners, and some of the chiefs, and retired. I recollect no other occurrence which took place during the execution of the instrument, except when one of its signers was about to make his mark, the Agent asked McIntosh if that was a chief. The answer was, "his chief." Our Journal states that the treaty "was signed by all the chiefs present, except the delegation from Tookaubatchee, and one chief from Talledega." It may be so, that all chiefs present had signed, but it is further the fact, that many other chiefs or warriors were present, and proposed signing, but this was declined, as it was getting late, and the signers already affixed were deemed sufficient.

The document was then handed to Col. Crowell, who had been present the whole time, and he attested it officially, without hesitation or remark, as I recollect. Our Secretary, Doctor Meriwether, and the Interpreter, then attested to the instrument also, and the council were requested to convene again on Monday morning. Before we left the Springs, I think on Sunday, the 13th August, the Agent requested a copy of the treaty, and we directed it furnished.

D. G. CAMPBELL.

Having been required to answer the interrogatories hereto annexed ; to the first, I say that I was present, and acted as Secretary to the Commissioners in the late negotiation with the Creek Indians.

In answer to the remainder of the interrogatories, I say that I have carefully examined and perused the foregoing statements and answers of D. G. Campbell, and, as far forth as they represent who were present at the execution of the treaty, the manner of reading and interpreting the same, the ceremony of signing and witnessing, and the occurrences of the meeting, generally, when the treaty was signed, are in correspondence with my own recollection, and I adopt the same as my answers to the interrogatories exhibited to us.

I state further, that a copy of the treaty was furnished to the Agent, copied in his own room, on the 15th February, the day after the treaty was signed.

WM. F. HAY.

GEORGIA, }  
Wilkes County. }

Sworn to, and subscribed, before me, this 24th July, 1825.

ARCHIBALD S. WINGFIELD, J. P.

*Testimony of John M. Bach.*

STATE OF ALABAMA, }  
Montgomery County. }

By virtue of commission from his Excellency the Governor of the State of Georgia, to us directed, to receive and examine testimony in relation to the conduct of Colonel John Crowell, Agent for Indian Affairs, for the Creek Nation of Indians, we have caused John M. Bach to come before us, who, being duly sworn, saith, that, during the time when the late Indian treaty was held at the Indian Springs, in Georgia, in February last, that he was in conversation with Col. Crowell, the Agent, concerning the Indian affairs, during which time he mentioned to the Agent the death of the Big Warrior ; when the Agent replied, that it was good he was dead ; that he was a damned coward, and ought to have died ten years ago ; that if he had cut McIntosh's throat ten years ago, the Indian land would not have been sold.

After the foregoing conversation had passed, the Tuckabatchee chiefs passed the Agent's office, returning from the room where the United States' Commissioners were holding the treaty ; they were stopped by Paddy, (a lad about 16 or 17 years old, from appearance, a half breed,) who was standing before the Agent's office, who addressed them in a short talk ; though the deponent does not understand much of the Indian tongue, yet believes, from what he saw and heard, (the Agent being near them) that the lad, Paddy, spoke to the Chiefs above named, to oppose the treaty, and that what he said came from the Agent. From the foregoing circumstances, connected with many others, he has no doubt but what the Agent was opposed to the treaty. The deponent believes that Paddy was in the employ of the Crowells.

He has seen him in the store of Thomas Crowell, at Fort Mitchell, and at the Agent's office at the Springs.

JOHN M. BACH.

Sworn to, and subscribed, before us, this 30th day of June, 1825.  
 WM. H. TORRANCE, } Commiss'rs.  
 SEABORN JONES, }

*Testimony of Rev. Mr. Compere.*

*Interrogatories to be exhibited to the Rev. Mr. Compere.*

1. Were you present when the Indians killed McIntosh and Etome Tustennuggee?

2. What was the cause which induced the Indians to kill McIntosh and Etome Tustennuggee? Was it for the violation of any law? What law was it; and when was it passed? Was it signed by McIntosh, or made at the Council held at Broken Arrow.

3. After McIntosh had received a shot, was he taken out of his house by any Chief? if yea, by whom; and what did he say to McIntosh, and what was McIntosh's reply?

4. Do you know any thing, of your own knowledge, of the circumstances attending the murder of McIntosh and the others; or is not all your knowledge derived from the information of others.

5. Was not Col. Crowell opposed to a cession of the land by the Indians to the United States, and did he not use his influence to prevent one?

6. Was Col. Crowell friendly to a cession of land, and did he use his influence to get them to cede it?

7. Do you not know, or believe, and state the reasons of your belief, that Col. Crowell instigated Walker to oppose the cession of land; or that Walker was acting agreeably to Col. Crowell's wishes and directions in doing so?

8. Did you not write a letter to the editor of the Southern Intelligencer relative to the disturbances in the nation and the murder of McIntosh and Etome Tustennuggee? For what purpose did you write that letter? Was it for the purpose of publication? Is the editor of that paper related to you, and in what degree? Do you know the statements in that letter to be true? Have you written any letter to South Carolina about it, and when, and to whom?

Relate all you know, as if particularly interrogated thereto, concerning the charges against Col. Crowell, the Indian Agent, of having exercised his influence to prevent the late treaty; and, also, the charge of being the instigator, or privy to the murder of McIntosh. Are you and the Agent, or not, upon friendly terms?

WILLIAM H. TORRANCE,  
 SEABORN JONES,

June, 1825.

*Commissioners of the State of Georgia.*

*Rev. Mr. Compere to Messrs. Jones, Torrance, and Jourdan.*

TO MESSRS. JONES, TORRANCE, and JOURDAN :

GENTLEMEN : In answer to your interrogatories I have to state, that, with respect to your inquiry, if I were present when McIntosh and Etome Tustennuggee were killed—I was not.

2. Your inquiry relative to the cause of their death, &c. My belief is, that the cause of their death was their signing a treaty which ceded away a part of their land to the United States, in violation of their own laws. My understanding is, that the particular law was one made some years ago, which had been renewed at Broken Arrow, and afterwards at Pole Cat Springs. This impression I received from a conversation had with the Big Warrior, soon after the breaking up of the meeting held between the United States' Commissioners and the Cherokees, and from several conversations with different Chiefs, after the Indians met at Pole Cat Springs. With regard to the signing of such a law by McIntosh, I know nothing about it.

3. After McIntosh was shot, I have been frequently informed, he was taken out of the house by a Chief, whose name I do not now remember. With respect to a conversation passing between him and the Chiefs at that time, at first I did understand that such a circumstance did take place, but I have now some reason to believe that my information, with respect to that, was circumstantially incorrect. For the substance of that conversation, I refer you to a paragraph in my letter published in the *S. Intelligencer*. To the editor of which paper I have subsequently forwarded on a notice to inform him in what respect it is incorrect.

4. As to what I know of these matters, you will perceive from my answers to your 2d inquiry, that it is all derived from other persons.

5 and 6. As it respects Col. Crowell's opposition and agency, with regard to a cession of land, I know nothing at all about, more than I understood from some of the Chiefs, after the meeting of Broken Arrow, that he was altogether neuter.

7. On your last inquiry I am as unable to give you any information as on some others; for whether Col. Crowell and Capt. Walker have opposed the treaty, in conjunction or separately, I know not; and that I should not know any thing cannot be wondered at, when it is known that our communications with each other have not been instigated by our friendship for each other.

Yours, with due respect,

L. COMPERE.

*Asbury, June 27, 1825.*

P. S. In connection with what I have stated in answer to the 7th inquiry, as I do not know any thing on the subject, I therefore cannot believe any thing about it.

L. C.

The first time I heard of the killing of McIntosh, was on the day the Chiefs arrived at Tuckeebachee, with the information to that effect. That morning I had intended to go to the Ufawley Town on



business relative to our mission, but was informed by our boys that the Indians were gone up the river to kill McIntosh ; and, on further inquiries, was told that this was known among our boys five days ; on being asked why they did not tell me, was answered, because we thought you would tell somebody else. I have written to the editor of the *Intelligencer*, in reference to this subject. It has been published with my name, and it was done so to give information, which, with the exception of a part of a paragraph, (the circumstances of which paragraph I have already explained,) I believe to be correct, upon the information I have received from different Chiefs, and other Indians in the nation. Some part of the interrogatories I can say nothing about, as I know nothing about them. As it respects Col. Crowell's being the instigator of the murder of McIntosh, I can only state that I do not believe it, for two reasons ; 1st, the principal Chiefs in my neighborhood deny it in the most unequivocal terms ; 2d, after the Agent met the Indians and informed them that the treaty was ratified, some of the Indians called at our place, and declared that the Agent and they had not been friendly all the meeting, for that the Chiefs had quarrelled with him all the time.

With regard to any further inquiries about the letter, I cannot answer them, as it is before the public.

**L. COMPERE.**

Mr. Compere being requested, by the Commissioners, to swear or affirm to the foregoing facts and belief, as stated by himself, refused to do so, and stated, that, if the United States required it, he would do so.

**WM. H. TORRANCE,  
SEABORN JONES,  
WARREN JOURDAN.**

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*Testimony of Stephen Hawkins.*

**INDIAN SPRINGS, 21st June, 1825.**

By virtue of a commission from His Excellency the Governor of Georgia to us directed, to receive and examine testimony in relation to the charges lately preferred, by the Governor aforesaid, against John Crowell, Agent for Indian Affairs in the Creek Nation of Indians, we have taken the examination of Stephen Hawkins, a white man, resident in said Nation of Indians, who, being duly sworn, deposeth and saith, that he has resided in the Creek Nation thirty-eight years, or thereabouts. That, on the second day of May last he was on his way from Fort Jackson to his residence at Chilokonojah in the Nation ; he was stopped by eight or ten Indians, who belonged to the hostile party ; they seemed to be headed by John Ryley, a half-breed ; Ryley told him that they were sent by Opothleyoholo, a Tuckabatchie chief, to take all the property, speaking of the Hawkins's and McIntosh, and carry it to Tuckabatchie : they took what property he had with

him, except two horses, one which he was riding, and the other rode by his wife, which they afterwards took and carried away : the property he had on the road was two negro boys, a thousand yards of homespun, two sacks of salt, besides a number of other articles : he told them that they ought not to take his property ; that he had nothing to do with the treaty : Riley replied to him, that Opoithleyoholo had ordered them to do so, and that the Agent, Colonel Crowell, had ordered Opoithleyoholo to have it done: some of the same party also went to his house and took what he had there, being some other negroes and other property. That, in consequence of the conduct of the hostile party he left the Nation, apprehending that they would kill him. They did kill his son, Samuel Hawkins. All his family had to leave the Nation through fear. He now lives near Fort Jackson, in Alabama.

STEPHEN HAWKINS, his x mark.

Sworn, and subscribed, before us, this 21st day of June, 1825.

WARREN JOURDAN,  
WM. W. WILLIAMSON,  
WM. H. TORRANCE,

*Commissioners.*

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*General Gaines to Colonel Crowell.*

HEAD QUARTERS, EASTERN DEPARTMENT,

*Augusta, Georgia, October 10, 1825.*

SIR : I desired my Aid-de-Camp, Lieutenant Butler, by the last mail, to notify you that I am authorized by the War Department to meet the chiefs of the Creek Nation upon a subject of the greatest importance to them, connected with the late treaty, and to request you to cause them to be assembled at Princeton, Creek Nation, on the 25th of the present month, or as soon thereafter as practicable; and to notify them that I deem it proper to have no white man present at the council, except such United States' officers as I may select.

Further reflection suggests to me the propriety and absolute necessity of a rigid adherence to this precautionary measure ; and I have, furthermore, to add, that, if the Department of War should have furnished you with a copy of my instructions, you will be pleased to consider them *strictly confidential*. Should they be known to the Deputy Agent, or to the public Interpreter, be pleased to instruct those officers of your Department to disclose to no person those instructions, without my sanction.

If they are not known to the public Interpreter, they may not be communicated to him until after my arrival, and in the course of the intended conference.

I am resolved to have no *spies* near me, nor any *intermeddlers*; and I am moreover resolved to effect the object in view, agreeably to my instructions, *honestly and faithfully*, or not at all; and that the transaction shall, *if possible*, be conducted in such manner as to baffle the most profound efforts of the *greatest intriguers*.

All that I wish from the chiefs is to meet me without prejudice, and with the confiding frankness due to a friend. If they comply with the proposition I am authorized to make to them, it may be, and I think it will be, the means of their deliverance from perils that may otherwise overwhelm them with ruin, in spite of our (the United States) best efforts to protect them.

Respectfully, &c.

EDMUND P. GAINES,  
*Major General Commanding.*

To Colonel JOHN CROWELL,  
*U. S. Agent, Creek Nation.*

*Lieutenant Butler to Indian Agent.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Augusta, Georgia, October 9, 1825.*

SIR: Business of great importance to the Nation, of which you have been advised by the Secretary of War, renders it necessary that the principal chiefs of the Creek Nation should be assembled with the least possible delay.

I am, therefore, directed by Major General Gaines to request that you will convene them at Broken Arrow, on the 25th instant, or as soon thereafter as practicable.

The General will meet them in council, and wishes them to be notified that no other white men than the officers of the General Government are expected to be present.

Very respectfully, &c.

E. G. W. BUTLER,  
*Aid-de-Camp.*

U. S. AGENT FOR INDIAN AFFAIRS,  
*Creek Agency.*

*Lieutenant Butler to Secretary of War.*

HEAD QUARTERS, EASTERN DEPARTMENT,  
*Fayetteville, N. C. November, 18, 1825.*

SIR: Major General Gaines directs me to transmit to you the journal of his conferences with the chiefs of the Creek Nation, pursuant to your instructions of sixteenth September last, which he is prevented,

by indisposition, from submitting to you in person ; and from which you will perceive that he declined again urging their acquiescence to the treaty.

In failing to comply with that part of your instructions, the General instructs me to say that he was influenced by the conviction that a proposition of such a nature would not only have been rejected, but would have defeated the plan of obtaining a new treaty.

A part of the deputation of chiefs from the Creek Nation will reach here to-night, on their way to Washington, where the General hopes to be in the next week.

Very respectfully, &c.

E. G. W. BUTLER,  
Adj-de-Camp.

Honorable JAMES BARBOUR, *Secretary of War.*

### JOURNAL OF THE MEETING

*Held between General Gaines and the Creek Nation, commencing 30th October, 1825, at the Creek Agency.*

CREEK AGENCY, October 30, 1825.

Major General Gaines, attended by Col. Chambers, and his adjutant, Major Donoho, and the officers of his command, the United States Agent for Indian affairs, and his deputy, with the Rev. Mr. Smith, met the principal chiefs of the Creek Nation, this day in Camp, for the purpose of communicating to them the nature of his instructions, contained in the Secretary of War's letter, of the 16th September, 1825, which was received at Augusta, Georgia, on the 7th October, 1825.

After saluting the chiefs, General Gaines addressed them to this effect : " A compliance with the wishes of the President, which I am about to communicate to you, will ensure to you his continued confidence : for he still confides in your disposition to do right, notwithstanding the reports of mischief makers. The Nation's talk which Hopoithleyeoholo gave me, has been sent to Washington, and the President will lay it before Congress ; but he will also lay the talks of the other party before Congress ; and as there will probably be a difference of opinion concerning your difficulties, he wishes your co-operation in their adjustment. The President and myself did not cause your distress ; you must therefore aid us in our efforts to relieve you. I told you, when last here, how difficult it would be to cancel the treaty. I now repeat it, however painful it may be. The question is, will you give a substitute for it, or risk its continuance ? If the treaty stands, (though you say it is bad) you will lose a great part of your land. Georgia insists on an immediate compliance with the treaty of 1802 ; and as the President is anxious to satisfy her, and yourselves, he authorizes me to offer you land on the West side of the Mississippi, for that *within the limits of Georgia*, acre for

acre, together with two hundred thousand dollars on the ratification of the treaty, and one hundred thousand dollars afterwards.

The land will belong to the nation, and you shall have time to look at it. Your acquiescence to this proposition will, I think, end your troubles ; but, if you do not accede to it, the present treaty, which, I believe, to be corrupt, may stand, and your enemies will triumph. I am the Indians' friend, and am not ashamed to own it ; and may death be my punishment if ever I deceive you. I have no bribes, and could I offer them, I would be unworthy of your confidence. I wish you to understand that this treaty, if agreed to, will be subject to the approval of the President, and ratification of the Senate. This is, perhaps, the last time I shall talk with you, and I hope you will comply with my wishes."

Hopoi Hajo replied: "The Indians are your friends ; and as they believe you are their friend, they will hold you fast by the hand. You have discharged your duty to us and to the President, and have never changed your talks. We have kept your talks, and have listened to those of bad men, for you talk to us like a father to his children. We have sent our chiefs to Washington, as you requested us, and we think our differences can be settled there alone. God made the Indians poor, and put them on this land, and they are still poor, as you all can see. Though poor, we did not wish to part from our land, but our fathers made two large cessions, and supposing them the white man's friends, we have made cessions from the other side of Oconee. We will meet you to-morrow in the square, and give you our answer."

Adjourned.

#### COUNCIL SQUARE,

*Broken Arrow, 31st October, 1825.*

Agreeable to adjournment, General Gaines met the Indian Chiefs this day, in the National Square ; and, after repeating, in substance, his remarks of yesterday, he urged the propriety of an immediate effort, on their part, to extricate themselves from impending difficulties.

Tuskenechaw replied: "When you came to us before, you said that you came to settle our difficulties, and to get our land back ; it now appears you wish to take half of it from us. We were pleased with the President's invitation, and sent our Delegates to Washington. You now say they can do nothing. If we had thought so, or that we could do any thing here, we would not have sent them ; but they are gone, and we will trust to them."

*General Gaines.* Are you not aware that the Chiefs belonging to the Delegation were ordered to meet me here ?

Tuskenechaw was going on to state that the General's orders were not properly explained to those Chiefs, nor the nature of his business with them communicated, when the Agent rose and stated that he was unadvised of the object of General Gaines' visit, until his arrival ; and that he had seen Hopoithleyeoholo, and used his best efforts to induce him to attend the Council.

*General Gaines.* "You should have known that my business was important to your happiness, and that I was incapable of practising a deception on you. It is true that I desired you to send a deputation to Washington, but I never told you that deputation could break the treaty; and though I may have been charged by wandering liars with attempts to deceive you, or those opposed to you, I never believed a national chief could harbor such a thought. The President wishes a fair treaty to offer to Congress, as a substitute for the existing treaty, and I wish to know what your delegation is authorized to do at Washington."

*Tuskenehau.* "If you are going to Washington you can learn from them."

*General Gaines.* "May not those chiefs say, when I see them in Washington, that they can do nothing without instructions from you in this matter?"

*Tuskenehau.* "I don't know what they will say, but I thought our friends would not desire us to part from our land."

*General Gaines.* "I repeat, that, in asking you for a part of your land, the President is influenced by a desire to end your troubles."

*Tuskenehau.* "I wish to know if property sold by an unauthorized person can't be recovered by its owner?"

*General Gaines.* "The President will lay the treaty, with all the testimony, before Congress; and, if it can be positively proven that it was improperly made, it may be revoked; but it is doubtful what Congress will decide on, and it will be gratifying to the President to present a new treaty, as unequivocal evidence of the friendly disposition of the Creek Nation."

*Tuskenehau.* "If all the chiefs were here, we would act on your proposal; but you must go to Hopoiethleyeoholo, and the rest of our delegation."

*General Gaines.* "Now is the time to act, and the President must not be trifled with."

*Hopoihajo.* "We think the proposal a reasonable one, and that it should be agreed to; but, the delegation is appointed, and we cannot act."

*General Gaines.* "I am afraid that you equivocate. Hopoiethleyeoholo sent word that you could act, and that he would acquiesce in your decision."

*Tuskenehau.* "If Hopoiethleyeoholo had known your object, when he gave his sanction, we could act."

*General Gaines.* "It was enough for him to know that I had ordered a meeting, and I can yet send for him."

[Tuskenehau here stated, that he had said all he had to say, and Hopoi-hajo proposed to adjourn.]

*General Gaines.* "As you will not accede to my proposition, I wish you to give me written authority for your delegation to treat with me, or such person as the President may appoint."

*Tuskenehau.* "We gave our delegation a talk; we don't like writing, as those who read cheat us, even when the Agent is here to take care of us."

**General Gaines.** "If you will not trust the President, nor his Agents, nothing can be done for you, and you will be ruined."

**Tuskenehaw.** "To show that we have confidence in you, and in our delegation, we will send the paper you wish us to sign after we have seen the Little Prince."

The Council adjourned till to-morrow.

COUNCIL SQUARE, November 1, 1825.

The Little Prince, who is confined to his bed, having signed the articles of agreement in presence of the head chiefs, the Council convened; and, after they were signed by the principal chiefs of the different towns, the *Mad Tiger* rose, and explained to all the chiefs present the nature of the proceeding.

General Gaines then remarked: "I have long exerted myself to adjust the difficulties that unfortunately exist between the United States and the two parties in the Creek nation, and sincerely hope that I shall now be enabled to succeed. Both parties promised me to wait patiently, and to conduct themselves with propriety. I have heard of many foolish things that have been said; but, as no blood has been shed, I will pass them all over. I have tried to reconcile and unite you, under the full conviction that a separation will be ruinous to both. The McIntosh party have complained of delay, but they must be patient—this affair will require a long time for adjustment. I have stationed my troops among you, under Colonel Chambers and Major Donoho, for the purpose of affording you protection. They are ordered to protect the peaceable, and to check the disorderly, of both parties; and thereby prevent a war in the same family.

"I have served with many of the chiefs, and will always view them as friends. I wish you to be friendly with each other, and forget the past—and, no matter what may be the termination of affairs, I wish to meet you *all* as friends."

General Gaines now read a paper, and handed it to Chilly McIntosh, containing his reply to a communication from the McIntosh party, in which he stated, that, their accounts having been submitted to the Department of War, it was unnecessary for them to go to Washington.

Chilly McIntosh and B. Hawkins were then asked who wrote the reply to General Gaines' talk at the Indian Springs.

The first replied, that Martin wrote it; and the second, that, to the best of his belief, it was written in the room of the *Georgia Commissioners*.

Old Mr. Hawkins then presented a claim for certain sheep, said to be in possession of the Indians; which was referred to the Agent: after which, the chiefs shook hands with General Gaines and the officers attending him, and the Council adjourned *sine die*.

**NOTE.** This morning General Gaines, attended by Colonel Chambers and the Agent, on his way to the Square, called on the Little

Prince, and found the principal chiefs with him. They stated their intention of appointing Ridge and Vann, intelligent young Cherokees, members of their delegation; to which the General objected. They then insisted on employing them as Clerks, saying they wished persons of their own color, in whom they had confidence, to explain to them such papers as might be addressed to them. Finding them full of distrust, and fearing that further opposition to their wishes might entirely defeat the object of his visit, the General acquiesced.

#### *Powers of the Creek Delegation.*

Whereas the President of the United States has authorized our friend Major General Gaines to treat with the Head Chiefs of the Creek Nation, and settle amicably all differences connected with the unauthorized and illegal proceedings at the Indian Springs in February last: And whereas the head chiefs of the said Creek nation, here present, being satisfied of the great desire of their Father, the President, to restore peace and tranquillity to their nation; and feeling disposed to yield as much on our part as possible to effect so desirable an object, we deem the last proposition of the President, made by General Gaines, to be reasonable, and as just as existing circumstances would authorize: but, they cannot now enter into a treaty upon the subject, because of their having sent to Washington City a delegation of their principal chiefs, with a view to a final settlement of all their affairs with the Government of the United States,

Now, therefore, be it known to all whom it may concern, that we, the undersigned head chiefs of the Creek nation, in Council assembled, do hereby authorize and empower our said delegation, consisting of eight, viz. Hopoythleyoholo, Mad Wolf, Yeoholomicco, Emarthlayeoholo, John Stidham, Tus-kee-gee-Tustenuggee, Coweta, Tustenuggee Manoway, Ar-par-lar-Tustenuggee, and Charles Cornells, or a majority of them, to enter into any such treaty or arrangement, at Washington City, with General Gaines, or such other person as the President of the United States may appoint for that purpose: and we hereby bind ourselves, and the Creek nation, to abide by, and carry into effect honestly and faithfully, any such treaty or arrangement, in the same manner as if the same had been entered into by us in General Council assembled.

Signed duplicates at Broken Arrow, in the Creek nation, this first day of November, 1825, in presence of the undersigned witnesses.

Tustenuggee-Hopoi, his x mark.

Tuskenehau, of Tuckabatche, his x mark.

Tuskenehau, of Cusseta, his x mark.

Hopoi Hajo, his x mark.

Tustenuggee-Emarthla, his x mark.

Cochus-Micco, his x mark.

Cotcha-Hajo, his x mark.

Efau Emarthla, his x mark.

Oakfuskee Yeoholo, his x mark.



Neah Thluchco, of Coweta, his x mark.  
 Tim pocchee-Barnard, his x mark.  
 Micco Porca, his x mark.  
 Tuskeeneehau, of Oakchaunc, his x mark.  
 Foshatche-Emarthla, his x mark.  
 Tuskeeneehau, of Cheauhau, his x mark.  
 William Barnard, his x mark.  
 Chocota-Tustenuggee, his x mark.  
 Oakmulgee-Emarthla, his x mark.  
 Tustunnuggee-Chopco, his x mark.  
 Octiachee, Micco, his x mark.  
 Ene-Emarthla, his x mark.  
 Quoasa-Hajo, his x mark.  
 Tusconno-Hajo, his x mark.  
 Foshatche-Finico, his x mark.  
 Salamos-Hajo, his x mark.  
 Tournice-Emarthla, his x mark.  
 Es-poke-oah-Hajo, his mark.  
 Latamata, his x mark.  
 William McGillivray, his x mark.  
 Pomas-Micco, his x mark.  
 Come-Emarthla, his x mark.  
 Cosa-Yeoholo, his x mark.

**Witnesses :**

JOHN CROWELL, *Agent for I. A.*  
 T. CHAMBERS, *Col. 1st U. S. Inf.*  
 SAUNDERS DONOHU, *Maj. 4th Inf.*  
 E. G. W. BUTLER, *Aid-de-Camp.*  
 WM. HAMBLY, *U. S. Interpreter.*

In transcribing this Instrument, parts of names, believed to have the same signification, are made to correspond. This is, otherwise, a true copy from the original.

E. G. W. BUTLER, *Aid-de-Camp.*

**Outline of an interview between the Secretary of War and the Delegation of Creeks—Opthleholo, Head Chief and Speaker.**

*Secretary of War.* Are you prepared to enter upon the business of your mission? or, is it your wish to defer it until the arrival of your friends?

*Opthleholo.* We are prepared; and I think it desirable to proceed to business, at once, as the Great Council of our Great Father, is about to assemble, and we want to know, before the Great Council fire is lit, what are the views of the Government in relation to us. We do not think it necessary to wait the coming of our brothers. We have power to proceed.

*Secretary of War.* I wish you to state by what power you have been appointed.

*Opothleholo.* At the council at the Broken Arrow, General Gaines, expressed a wish to see some of us here, and when at Tuckabatchee. We were delegated by the whole nation to come on.

*Secretary of War.* Have you any written document showing this appointment?

*Opothleholo.* We have no writing. We got our power from the mouths of the nation, as is usual. We thought of a written power, and intended to come to the Cherokee nation to get Clerks; but the power was afterwards written, and will be seen, as we know it was to be sent on.

*Secretary of War.* I wish to correct a mistake which it appears you labor under. You are here now at your own request, which was made known to your Great Father, by your Agent, Colonel Crowell, in April last. That request was granted. It is true, General Gaines said what you state, but it was only a repetition by him, of what was granted before. I mention this only for the purpose of correcting an error, in regard to the origin of this visit.

*Opothleholo.* It is true. The Head Chiefs of the nation were talking last Spring of their distresses before the Agent. Our troubles bore hard upon us. We turned our eyes to our Great Father. He is our guardian. We said we want to see him. We asked the Agent to say so. We got his answer, as you say. We heard the same thing from General Gaines.

*Secretary of War.* I am directed by your Great Father, the President, to whom you looked in your troubles, and who sent you word to come and counsel with him as you wished, to tell you how deeply you grieved him, when, after that permission was given, you took up the tomahawk and did the great violence with it which you have done. He expected you to seek your redress of him, and not to strike yourselves. But you did strike, and, by so doing, you have caused very general and deep dissatisfaction; made yourselves many enemies; embarrassed your Great Father, and filled him with deep regret. He thinks it due to the occasion that he should make this known to you, frankly.

*Opothleholo.* 'Tis true, we did in our grief, strike. But it was an affair of the nation. In all cases of national concerns, the consent of the nation is first had. The names of its Chiefs are taken down: the names of the Agent and the Interpreter also. In the late affair this was not done. A new way was attempted, not known to the nation. The nation could not walk in it.

*Secretary of War.* These violences embarrass the United States. Had they not been committed, your Great Father would not feel the difficulties which now attend this interview, and which must attend every step of this business. The other party say they are aggrieved. They are coming on—at least the papers tell us so. What their object is, they will make known also.

*Opothleholo.* I expect all the transactions of the late disturbances have been laid before our Great Father. I know writings were entered into in our nation on both sides. I doubt not the President has seen

them all. He can judge. We are willing that he should judge. I wish our negotiation, now begun, to be in writing also. I wish it for my People. I look for protection to the United States. *I expect the late treaty to be cancelled.*

*Secretary of War.* What is the number of the other party?

*Opothleholo.* The number of McIntosh's followers is very small. They all lived near him. Since his death they fled—some to Georgia, and others elsewhere. The heads of families, I do not think exceed twenty. When the Agent arrives with the Coweta part of our delegation, he will be able to tell how many there were who undertook to sell our country.

*Secretary of War.* I have no objection to conduct the negotiation in writing. I think it best, however, first to converse with you, to ascertain the nature and object of your visit, from yourselves, that when these are fully disclosed, we may proceed to business upon the points which you may wish to discuss, and confine the discussion to them.

*Opothleholo.* I am well satisfied.

*Secretary of War.* What are your objections to the late treaty? Do you object to the *substance* of it, or to the *manner* in which it was made? If your objections be to the manner only, and the President would be willing to look across it, as if it did not exist, would you be willing to make another, substantially, like it?

*Opothleholo.* I have objections to the *manner* of making that treaty, and to the substance of it too. It was not made by the Muscogee nation, and who else had a right to make it? But that is not all. The Muscogee nation have objections to selling any more lands. They have parted from a great deal. The land that stands fast under the white People's feet, keeps slipping from under the feet of the red People. We have now hardly enough for our women and children to stand upon. Why cannot we be allowed to have land, and homes, and live like our white brothers, and learn of them how to be comfortable?

*Secretary of War.* You say you have but little lands left, and hardly enough for your women and children to stand upon, what is the number of your people who live on the ceded territory?

*Opothleholo.* We do not understand any thing about lines that we cant see—all the lands belong to all our People, the ceded and those that were not ceded. Here are four present, as delegates, who live on the ceded territory. Selocta, Mad Wolf, Ledagi, and Yoholo Micco. They have so little land, that they could not live upon it.

*Secretary of War.* How many acres of lands were left you under the late treaty?

*Opothleholo.* We do not know how to reckon by acres, but the country left by the treaty, is so small that the nation could not live upon it. We have come here to make complaint; to tell our sorrows; to utter our grievances to our Great Father; to show that the treaty was made by fraud, by thieves, by walkers in the night. The Muscogee nation would not object to a fair treaty, honestly made, a treaty that had no foul blots on it, and that should be made at their council house where their Chiefs sit, and who should be properly authorized.

*Secretary of War.* Your Great Father, in sending Commissioners to you to treat for your lands did not intend to commit fraud. They were sent to make a fair treaty. And now that a treaty is made, there is great difficulty, because, if it be fraudulent, your Great Father cannot cancel it. It can be done only, by the Great Council of the nation who put their seal upon it and made it fast—if it is done at all. Your Great Father did hope that, as there is so much difficulty in this affair, some method would be agreed upon by you for a reconciliation of these difficulties; and that you would agree to carry the substance of this treaty into effect, in a new one made by yourselves, as the heads of the nation; and that you would be willing to occupy lands West of the Mississippi, away from the white man, to live in future, and under some friendly helps for your improvement in peace and prosperity. If to accomplish such a reconciliation, an additional sum of money would be acceptable, and you would name it, your Great Father would consider the offer, and do all he could to settle this difficulty.

*Opothleholo.* The Creek nation are not unfriendly to the whites, and have no objection to live near the white People, and it is their wish to live near their Great Father, the President of the United States. The land they live on is their own. Their homes are there. They never sold them. But an attempt has been made to take these all away. We have come, as orphans, to ask our Great Father's protection.

*Secretary of War.* Your Great Father saw and pitied your situation, and seeing that your difficulties had grown to a great height, and wishing to reconcile the parties, as far as possible, determined to convene your nation, which was done by General Gaines. He was instructed to ask you as a nation, whether you had any objection to cede your lands in Georgia; and what price you would be willing to take for those lands. Your nation consented to dispose of their lands within the limits of Georgia, and have stated the price they are willing to take for them. They fixed the price at \$ 300,000, and an equal quantity of lands, acre for acre, West of the Mississippi, and I now hold in my hand the written agreement to that effect, with the names of your Chiefs to it. You will know them when they are read to you.

[The paper was read, and the names of the Chiefs.] Your Interpreter, Hambly, has one of these, and will bring it with him.

*Opothleholo.* I have heard of that paper before. It is the power I referred to at the beginning of this Council. I believe it to be correct.

*Secretary of War.* I will now read you a letter from General Gaines. In it is his talk to your nation. [It was read.]

*Secretary of War.* Are the names to that paper [the paper containing the terms of the proposed cession, &c.] the names of your chiefs?

*Opothleholo.* Yes; they are the Chiefs of our nation.

*Secretary of War.* After the deepest reflection, and beset with great embarrassment, your Great Father thought it best to direct General Gaines to make you the proposal he did, and which has been read to you. I suppose you have no objection to carry the agreement into effect, according to the direction of your nation.

*Opothleholo.* The subject is embarrassing to us also. It is of great

importance. Clouds rest upon it. Our nation expects us to act under a clear sky. We must reflect well, and counsel about what is to be done, and will give you an answer to-morrow.

*Secretary of War.* It is not the wish of your Great Father to urge you as to time. You can wait, if you think it desirable, till your friends arrive. But it would be agreeable, if the business could be settled this week.

*Opothleholo.* I have full confidence in the Government of the United States. - I am here as a suppliant. I am glad to be spoken to familiarly and kindly. The delegation will reply in writing to-morrow, if possible; if not, as soon as they can.

*Secretary of War.* We can do no more than prepare an agreement. The Congress must decide upon it; and accept or reject it. Your Great Father, as I told you, has no power beyond this, in this case. The power is with the Great Council of the Nation, to which all will be submitted.

*Opothleholo.* As I have said before, the subject is of great importance to us; and we must think much about it. Our responsibility is great.

*Secretary of War.* Your responsibility is lessened by the instructions to you from your nation. Your nation has agreed to what it will do; and you are instructed to carry their decision into effect. This will make your Councils light.

*Opothleholo.* I have nothing more to add, for the present.

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*Opothleholo, and others, to the Secretary of War.*

BROWN'S HOTEL, 3d December, 1825.

HON. JAMES BARBOUR, *Secretary of War*:

FRIEND and BROTHER: Since we had the honor of an interview with you, in regard to our difficulties, we have had your proposals under our careful consideration. We have particularly attended to the instrument of writing given by our Chiefs in Council to General Gaines, in which our *great Council fire* has expressed the opinion that General Gaines' "last proposition was reasonable and just, agreeable to existing circumstances." We also in that paper find that we are clothed with the highest authority of our nation, at a time our hearts are compelled to look on the dark clouds which hang over our nation. We know, and we hope that you are convinced, as the *Great Master of Breath* knows, that our troubles and difficulties have been produced by our enemies, men who regard speculation more than truth and honor. But it is vain, at this time, to complain of our wrongs; we feel, but can't find utterance to express them. We are convinced that our Great Father is a just and magnanimous man. We see this in his talk, and we also know that the nature of his Government is such, that, however well convinced he may be of the badness of the Treaty ratified in his Council last Winter, that he alone has not the power to

declare it null and void. When we first started to see our Father, it was our determination to appeal to Congress for redress, and request of that civilized body the annulment of the treaty made by the United States' Commissioners and the traitor McIntosh. We come to tell them that our *destiny*, and the happiness of our wives and babes were in their hands, to restore the whole of our lands, and, as we had not done wrong, to withhold their strength from oppression. But we have heard the talk from our Father the President. It has done our hearts good to notice his disposition to render justice, and restore peace and harmony to his children. We have yielded to paternal kindness. Long has been the struggle, and painful the effort to sacrifice a piece of our heart to aid our Father to restore tranquillity to his children. We have yielded to policy, and contrary to our previous determination. Nothing but those powerful reasons has influenced our decision; that the tears of our grey-headed mothers may cease to flow, and that the Muscogee females may no longer suckle their babes in grief. It is on their account we have consented not to run the risk of hazarding the whole in our appeal to the Representatives of a great nation. As we have no desire to leave the graves of our fathers for the West, we have agreed to surrender our claim and title to the lands East of the Chattahoochie river, for money. We respectfully suggest to you our determination not to cede any more than the lands East of the river, and to have the East bank up to high water mark as the boundary between us and Georgia. A dry line will never do between us. The acknowledgment of that line, on your part, will afford facility to an arrangement with you. On no other conditions will the Delegation consent to enter into an agreement. We may as well be annihilated at once, as to cede any portion of land West of the river. We have enclosed a sketch of the terms on which we will make the desired arrangement, and hope that it will meet your approbation, and the acceptance of the Great Council. Our sketch contains the items, which we wish entered in the articles of agreement, and will expect the instrument to be signed by the contracting parties, to be written at your order. As our lands are now reduced to narrow bounds, we shall, in earnest, commence the work of civilization, to render our state of existence tolerable. We shall expect to address a memorial to the Great Council of our Father, when he submits the talk on paper connected with the base treaty. We have strong enemies, who from childhood have talked with books. We can say but little, and that little, we are proud to say, will spring from uncorrupted sources. We are sons of the forest, but endowed in intellect by the same Spirit, who thought us not unworthy of his creation. Free as air, and as free as the birds of sweetest song, we claim the privileges acknowledged to all nations, and entitled to be considered as friends and allies of the United States. We know that an attempt has been made by the Governor of Georgia and his friends, to prejudice the good People of the United States against us. We, however, console ourselves with a belief that Government will not respect an assertion without proof. When the frontiers of Georgia

were pillaged by the Red Sticks, we were the first to protect it. In the fierceness of battle, when the war-whoop was keenest, were we not found by the side of the white man? Let those who have been so unkind as to call us "*hostile*," seek a reply from General Jackson. Our characters have been assailed, and we have thus frankly told our feelings to our Father the President. We entertain the best friendship for the United States, and we shall never be found wanting in duty to assist our white brothers in repelling the assault of enemies from over the Big Water.

In concluding our letter we will observe, that the last proposition mentioned by our Chiefs, made by General Gaines, was the request to our nation to cede to the United States all the lands East of the Chattahoochie. This was the understanding of our Council, and the understanding of the Chiefs now present, who have signed that paper. This explanation may have been omitted by the General in his journal to which you have called our attention. When we shall suppose you have perused this letter, we will call on you to receive your reply.

We are, with great respect, your friends and brothers.

Opothle Yoholo, his x mark.  
 John Stedham, his x mark.  
 Yoholo Mico, his x mark.  
 Mad Wolf, his x mark.  
 Menawce, his x mark.  
 Tuskekee Tustunnuggee, his x mark.  
 Selocta, his x mark.  
 Timpoochy Barnard, his mark.  
 Apauli Tustunnuggee, his x mark.  
 Charles Cornels, his x mark.  
 Coosa Tustunnuggee, his x mark.  
 Nahethee Hopie, his x mark.  
 Ledagi, his x mark.

JOHN RIDGE, *Secretary.*

WM. HAMBLY, *U. S. Interpreter.*

DAVID VANN.

Enclosure in Creek Delegation's letter to the Secretary of War.

*Sketch of a treaty proposed by the Creek Delegation.*

Whereas, the Government of the United States and the Creek Nation are anxious to settle amicably all differences which have arisen out of the late unauthorized and illegal proceedings at the Indian Springs, in February last, by Duncan G. Campbell and James Meriwether, on the part of the United States, and Gen. William McIntosh, and sundry Indians; and, whereas a Delegation of the Creek Nation, clothed with full powers to settle said difference, entertain the highest regard for the honor and magnanimity of the United States, and disposed to yield as much as possible to the wishes of the said United States, do enter into the following articles of agreement

with James Barbour, Secretary of War, on the part of the United States :

Art. 1. The Treaty entered into between Duncan G. Campbell and James Meriwether, on the part of the United States, and William McIntosh and sundry Indians, at the Mineral or Indian Springs, in Georgia, in February last, is hereby declared null and void, and shall have no effect, but shall forever be considered as if it had never been made.

Art. 2. All and every one of the signers of the said illegal treaty, shall be compelled by the United States to leave the Creek Nation, and each head of a family shall be entitled to one mile square of land, to be located in the United States' Western lands, beyond the Mississippi ; and, for the said Western lands, an equal quantity of acres shall be exchanged for by the Nation East of the Chattahoochee river.

Art. 3. The United States will pay the expense of the removal of said party, who call themselves the friendly or McIntosh party, and their number shall be allowed to consist as equal to the census made of them by General Gaines, at the Mineral Springs.

Art. 4. The Creek Nation cede and surrender to the United States all of their lands East of the Chattahoochee river, after deducting the quantity of land provided for the use of the McIntosh party, in the second article, and which is exchanged for an equal quantity of Western lands for the use of the McIntosh party aforesaid. And it is hereby understood, that, in the cession of land by the Creek Nation, that the Eastern Bank, up to the high water mark of the Chattahoochee river, except a reservation for the Creek Agency, the limits of which will be described in the fifth article, shall be the boundary line between Georgia and the Creek Nation.

Art. 5. The Creek Nation reserve to themselves, and for their own use and jurisdiction, a quantity of land on the East bank of the Chattahoochee, where the Federal Road crosses the same, to be three miles long, and one and a half mile broad : The reserve to be so surveyed as to extend it a half a mile above the ferry landing and road, down the river, and to be one mile and a half wide from the river aforesaid.

Art. 6. The Creek Nation shall possess all the Islands in the Chattahoochee river, and all the ferries on the roads that run through the Nation, and shall, at all times, demand and enjoy a reasonable toll on said ferries, such as is now paid on said ferries.

Art. 7. John Ridge and David Vann shall have and possess a reservation of one mile square, or 640 acres each, in fee simple ; Ridge's reservation to be located on the East bank of the Chattahoochee, on the Mineral Spring road, called Canard's Ferry, to be so surveyed as to include the best portion of the soil extending to, up and down the river, and as far back from the river as will embrace and complete the number of acres aforesaid. Vann's reservation to be located on the East bank of the Chattahoochee, at the mouth of Ooseoka, or first big Creek above the Federal Road, to extend up the river from the mouth of said creek, and as far back from the river as will make a good figure to embrace the 640 acres aforesaid.



Art. 8. The reservations shall be surveyed at the expense of the United States, agreeable to the description of said reservations, previous to the survey, to be made by Georgia, of the ceded land, and the result to be reported to the War Department by the Surveyors.

Art. 9. The United States agree to pay to individuals who reside on the ceded land, for their improvements, which add real value to the lands on which such improvements are made.

Art. 10. The United States, in consideration of the said cession, and the surrender of the title and claim on the part of the Creek Nation, promise to pay the Delegation of said Nation, now in this city, two hundred thousand dollars at the ratification of the treaty, and one hundred thousand more at the expiration of one year, besides twenty thousand dollars per annum, in perpetuity and forever.

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*The Secretary of War to the Creek Delegation.*

DEPARTMENT OF WAR,

December 5th, 1825.

FRIENDS AND BROTHERS : I have received your talk of the 3d instant, and immediately presented it to your Great Father, the President of the United States. It has had his most deliberate attention, and he directs me to convey to you the following answer.

When it was made known to your Great Father, that your people were involved in deep distress, and that bloody consequences had been produced by your excitements with one another, he felt for your situation, and took measures to relieve you, so far as it was in his power to do so. When you made known your wish to visit him, and hear his counsels, he complied with it; but, in the mean time, hoping to reconcile the differences which he saw were not ended, but only stifled, he directed General Gaines to make a proposal to you, in the hope that measures might grow out of it friendly to your own peace and prosperity, and tending to allay the agitations which existed also, and in regard to you, among his fellow citizens of Georgia. Your Great Father is the friend of peace. He did hope that, under the present state of grievances which are complained of, you would consent, for a suitable compensation, however painful for you it might be to dispossess yourselves of your territory, to give up to the possession of Georgia so much of your lands as lie within the chartered limits of that State. It was to this point your attention was called by General Gaines, and those were the reasons which led your Great Father to make that proposition to you through that officer. General Gaines reported the agreement of your nation to this proposition; and it is with surprise your Great Father has seen your views of a new and a different one. It was well known to your

Great Father, that, if his mediation had been accepted, and his terms agreed to by you, he could do no more than refer any agreement that might have been made with you to the Senate of the United States for its adoption. He could not have bound either you or himself without such reference, any more than he can cancel the treaty made at the Mineral or Indian Springs, in February last, and which, unless the Great Council, whose fire has just been lighted up, shall forbid it, he will be compelled to carry into effect.

By your talk of the 3d instant, you have entirely deprived him of the power to move one step further. He could not consent to the basis you propose, and agree that the Chatahoochy shall be the boundary between yourselves and Georgia. He sees it would not free you from the agitations and fears which have hitherto troubled you. His fellow citizens of Georgia, he apprehends, from what has past, would be still anxious for all the lands within that State. It would be useless, therefore, to make a partial arrangement. His object was to put you at rest; to give you peace. Failing in this, he directs me to say, he cannot accept the terms proposed by you as the basis of an agreement. He will, therefore, unless on reconsideration you may be disposed to accede to the proposition heretofore submitted, of surrendering all your land within the limits of Georgia, refer the subject to Congress, to be disposed of as the wisdom and justice of that body may direct.

It is deemed unnecessary to make any remarks upon the details of a treaty which you have submitted, the basis of which is inadmissible, other than that these also are, in some respects, exceptionable.

I am, with regard,

Your friend and brother,

JAMES BARBOUR.

To *Opothle Foholo,*  
*John Stidham,*  
*Foholo Mico,*  
*Mad Wolf,*  
*Menawee,*  
*Tuskekee Tustenugge,*  
*Selcta,*  
*Timpoochy Barnard,*  
*Spauki Tustenugge,*  
*Charles Cornells,*  
*Coosa Tustenugge,*  
*Nuhelhee Hopie, and*  
*Ledagi,*

Delegation from the Creek Nation.

*Creek Delegation to the Secretary of War.*

BROWN'S HOTEL, 10th December, 1825.

*Hon. Secretary of War.*

FRIEND AND BROTHER: Your letter of the 5th instant, in reply to ours of the 3d, has been attended to with the utmost respect and deliberation. To our Great Father's talk we respectfully answer, that we entertain the highest respect for his magnanimity and kindness, and officially take this method to express to him our cordial and grateful obligations, in permitting us to take him by the right hand, and to express our grievances to the General Government, and personally to submit ourselves, our rights, and our happiness, to his protection.

It appears from your expression that "the differences" (in our nation) "were not ended, but stifled," you labor under the impression, that our *internal agitations* are of a character as materially to disturb our repose. These differences among ourselves are not the *leading evils*, were we permitted to close them by the authority of our own laws. McIntosh has been laid asleep by that authority, and from it the balance of his party sought refuge in Georgia, and were protected, as a party distinct from the nation, by Georgians, and on them high honors, rights, and powers, were ascribed and fabricated, unknown to the proper authorities of our nation. At the request of General Gaines at Broken Arrow Council, in June last, we solemnly pardoned, "to all intents and purposes," this party, and permitted them to return among us, and there dwell in peace and obey the laws. Instead of doing this, they are now here in this city, for purposes best known to themselves, and which we have reason to think are in opposition to the Muscogee nation. By what power they are sent, and what power they represent, would, if inquired for, be hard to determine. We make these remarks, not that we wish to recall the charitable act of our nation in pardoning this party; but to show that, by it, they have not, as yet, been placed on the footstool of repentance.

The greatest source of our trials, and which is beyond our control, is the ratification of the base treaty entered into at the Indian Spring. The nature of your law, it appears, is such, that, after a treaty is ratified, though unjustly effected, cannot be annulled, but by the Great Council fire of the United States. We are far from indulging any suspicions of the honesty of the Council fire that ratified the treaty. Ignorant of our laws, the names of our head chiefs, and seeing on a long talk a long list of Indian names, they accepted the treaty under the presumption that it was effected in good faith. Our nation, as soon as practicable, informed our Father, the President, their positive disavowal of said treaty, and, in a respectful and filial manner, refused to receive a single dollar of the money stipulated to be paid by that treaty. As we were, and are now, anxious to aid our Great Father in restoring tranquillity to our people, by giving to the possession of Georgia, a portion of our lands, we yielded to our Great Father's

kindness, and promised, as the basis of an arrangement, to surrender our lands to the Chattahoochy river. Painful as the effort was to us, we cannot claim credit to ourselves in promising a part of our territory to effect a reconciliation of troubles, not occasioned by us, but by those who would have realized the benefit of those lands.

We have reconsidered our Father's proposition, and we still find that our nation could not subsist on the land after giving up the chartered limits of Georgia. And, as for an emigration to the West, our eyes are overwhelmed at the thought. We therefore prostrate ourselves to the protection of the United States. Let the Great Council fire look on us as children, guilty of no other crime, but being placed by the Great Master of Breath in the neighborhood of Georgia; let them picture to themselves our aged females in tears, calling upon them to cure and restore their mother earth, which is now pierced by walkers in the night, and who have permitted strangers to stand ready to kick her sons from off her bosom.

As we have not had the pleasure of addressing, from the mouth of our Speaker, our Father, the President, we respectfully request an interview with him in the presence of our Great Brother, the Secretary of War, and from our lips state our grievances to him, before he submits the papers connected with the treaty to Congress. We do not wish to obtrude too much on his time, which, at this time, must be precious: but it would, if permitted, afford us some consolation to speak even of our sorrows to our Father. If this interview is granted, we would wish the Secretary of War to invite the McIntosh party to be present, and, in case of refusal, that their Interpreter should attend, and listen to the interpretation of our talk in detail.

We are your friends and brothers,

Opothleyeholo, his x mark,  
 John Stidham, his x mark,  
 Yoholo Mico, his x mark,  
 Mad Wolf, his x mark,  
 Menawee, his x mark,  
 Tuskekee Tustenuggee, his x mark,  
 Selocta, his x mark,  
 Timpoochy Barnard, his x mark,  
 Apauli Tustenuggee, his x mark,  
 Charles Cornells, his x mark,  
 Coosa Tustenuggee, his x mark,  
 Nahetha Hopie, his x mark,  
 Ledagi, his x mark.

JOHN RIDGE, *Secretary of Creek Deputation.*

DAVID VANN, *do.*

WM. HAMBLY, P. I.

*The Secretary of War to the Creek Deputation.*

DEPARTMENT OF WAR,

*December 13, 1825.*

To OPOTHLE YOHOLLO, &amp;c. &amp;c.

*Creek Deputation.*

FRIENDS AND BROTHERS: I have received your letter of the 10th instant, and submitted it to your Great Father, the President. It has been read and attentively considered. The interview you propose to have with your Great Father, he thinks it best to decline, because such a course is not usual, and because your own objects can be as well made known by the ordinary mode of communication, which is through this Department. Whatever it is your wish to say to him, therefore, you can say in a memorial addressed to me, which I will hand to him. Before you leave here, your Great Father will see you, and take you by the hand, to bid you farewell. He will be gratified if, before you do this, your further consideration should lead you to acquiesce in his proposal. He cherishes for you, as his children, a sincere desire for your happiness.

I am your friend, &amp;c.

JAMES BARBOUR.

*Opothleyoholo and others to the Secretary of War.*

WASHINGTON, BROWN'S HOTEL,

*16th December, 1825.*

Hon. SECRETARY OF WAR.

FRIEND AND BROTHER: Yours of the 13th, in reply to ours of the 10th, has been perused with attention. The motives of an interview we requested, and which is declined by our Father, on the ground of inconsistency to usage, were to show the General Government that we were not afraid to speak in the face of day.

The time approaches, when the merits of a treaty, so called, are to be discussed, the issue of which, is, in the highest degree, interesting to our nation. A nation wealthy, powerful, and enlightened, as yours, and whose influence is felt beyond the expanse of the Big Waters, we believe will not suffer itself to yield to interested clamor, and knowingly decide to the prejudice of the Creek nation; its character will be canvassed, and as politics seem to be involved, we hope, that, in the war of words, the great men will not forget the infant object that gave rise to discussion, and unconsciously trample its interests under foot.

The Creek nation has held many treaties, at different times and different places. Never have they disputed a bargain legally made, or have they been guilty of prevarication. Many years ago, the immortal Washington and Alexander McGillvray, and certain Chiefs of our nation, shook hands and made peace at New York. The talk received from that great man, at that time, has been handed down to us, in which he promised that the United States would treat the Muscogeas as children, protect them from intrusion, and respect their boundaries, as they should be defined by treaties; that, as long as they conducted well, peace and protection should be their portion, until the Great Spirit saw cause to destroy the world by the elements of water or fire, when boundaries and land marks should cease in general oblivion. This talk has been kept by the proper authorities of our nation, to this day.

From foreign emissaries and superstitious fanaticism, a part of our citizens became hostile, and painted themselves red. Our head and Chief, the Little Prince and the Big Warrior, with their warriors, adhered to good talks, and assisted General Jackson to conquer the deluded people; and, at Fort Jackson, in 1814, entered into a treaty with the General, when peace was proclaimed, boundaries prescribed, and protection promised. He told our Chiefs to surrender land, and permit the United States to populate the country all around us; and as we had been faithful friends to the President, we should, hereafter, live in peace, as he would keep at a distance the bad people from over the big waters; that his friends, the Creeks, should sleep in security, and awake in peace. Our talks to the United States have been scrupulously observed and fulfilled, and the United States have also walked in the white path of truth. They are now soon to tell the world, whether they still intend to respect treaties, even with the least of their allies. The nature of treaties is sacred, and for trivial reasons should not be subject to reinvestigation. In the present instance, the Creek nation declares the treaty of McIntosh and certain Indians, and the United States' Commissioners, at the Indian Springs, on the 12th February last, to be counterfeit, and effected contrary to usage and justice. A few questions may not be amiss to insert here, by way of illustration, and let the inferences be drawn agreeably to the dictates of candor and impartiality.

Were Duncan G. Campbell and James Meriwether, instructed by the President, to treat for lands with McIntosh and his party; or were they sent to the Creek nation, at the head of which were the Little Prince and Big Warrior?

Were not the Commissioners, at Broken Arrow, met by a vast body of Chiefs, and there told the nation had no land to sell?

Was it right, after the sense of the nation was thus given, to appoint a meeting within the jurisdiction of Georgia, and that at short notice?

After a meeting was so convened, and the authorized Chiefs dissented and invited the Commissioners within the nation, if they had any communications to make, to treat with the nation, was it reasonable to hold official intercourse with unauthorized individuals?

After the Chiefs of the nation were recalled, and obeyed the summons, if they were Chiefs of low grade, as the Commissioners say, what object had they in sending the indefatigable Colonel Williamson to pursue and try to induce them to come back?

When all were gone, except McIntosh and his party, what right had the Commissioners to pronounce the Council to be a legal one, and the soil still represented? And could such a declaration make it a lawful Council?

If McIntosh and his party were the reigning authority of the nation, why did the Commissioners promise him protection in the treaty?

If a loaded gun was not in the corner, and a rope suspended over McIntosh's head, and if this law was unknown to the Georgians, why did Governor Troup, for purposes of intimidation, send his Aid, Colonel Lamar, to our head chiefs, to tell us that, if we did any harm to McIntosh or his friends, he would pursue us for full satisfaction, as if the same had been done to the People of Georgia?

Are not all nations entitled to support and interpret their own laws, and punish their own citizens agreeable to those laws? And had not the Creek nation a right to execute an outlaw who, like McIntosh, had rendered himself such? And would not the United States, for a less offence, hang a traitor?

Could the compact of 1802, between the United States and Georgia, specifying that the Indian title to lands should be extinguished on "reasonable and peaceable conditions," excuse an officer in departing from instructions to effect a treaty calculated to injure a nation?

Would such a treaty stand, made by a nobleman of France or Britain, unauthorized either by a written or verbal power, and would it be insisted upon as lawful, on the ground that he had once, with others, been invested with diplomatic powers? And would it not be more consonant to the magnanimity of a great nation to render justice to the weak than to oppress them?

As the Creek nation has refused to receive a dollar of the money stipulated to be paid in that treaty, what excuse can the Congress of the United States make to itself in confirming a bargain which our nation has not sanctioned, and for which they have not value received?

We do not expect answers, in detail, to the above questions, but it is our wish that, upon these principles, Congress should decide. The leading principles of justice in all nations, will teach all councils, that, to keep clear of error, to decide for the afflicted nation, as they would wish to be treated were they in like circumstances.

Our nation respectfully demands the repeal of the treaty of the Indian Spring in February last. In doing this, sufficient reasons are assigned, and none stronger to be found on earth, than the fact that our nation, in its legal capacity, was not a party to the treaty, and that they have refused to ratify a bargain calculated to annihilate the happiness of our people.

In our first letters, in the spirit of reconciliation and loyalty to the United States, we agreed to surrender all the lands East of the Chattahoochee river. This ought to convince the General Government that

we are not incapable of reciprocating, in proportion to our ability, the liberality of the United States. Farther concessions cannot be made, and, after the reasons first assigned, more you cannot well demand. We now appeal to the magnanimity of the United States. We have travelled a long road to perform this duty. It is ordained by the Great Creator that we are so reduced as to be dependent on your power and mercy: and if, in the hugeness of strength, you determine to decide by power and not by right, we shall return to our friends, and live there until you take possession of our country. Then shall we beg bread from the whites, and live the life of vagabonds on the soil of our progenitors. We shall not touch a cent of money for our lands thus forced from our hands, and not a drop of white man's blood will we spill. And as fast as we are knocked in the head, the throats of our wives and children are cut by the first tide of population that know not law, we will then afford the United States a spectacle of emigration, which we hope may be to a country prepared by the Great Spirit for the honest and unfortunate Indians.

We are your friends and brothers,

Opothleyoholo, his x mark.  
 John Stedham, his x mark.  
 Mad Wolf, his x mark.  
 Yoholo Mico, his x mark.  
 Menawee, his x mark.  
 Tuskeekce Tustinggee, his x mark.  
 Selocta, his x mark.  
 Timpoochy Barnard, his x mark.  
 Apanli Tustunnuggee, his x mark.  
 Charles Cornels, his x mark.  
 Coosa Tustunnuggee, his x mark,  
 Nohathu Hopoie, his x mark,  
 Ledagi, his x mark.

JOHN RIDGE, *Sec'y Creek Delegation.*

DAVID VANN, Do.

WM. HAMBLI, P. I.

*General Gaines to the Secretary of War.*

CITY OF NEW YORK, December 11, 1825.

SIR: I have just now been honored with your letter of the 8th of this month, and hasten to reply that, in the course of my conferences with the late Creek National Council, after having clearly ascertained that no new treaty could be effected at that place, in conformity with my instructions from your Department, and after stating to the council distinctly that *I was not authorized to make any proposition for a new treaty other than that embracing the whole of the Creek lands within the limits of the State of Georgia, I made to the Council a proposition, avowedly an unauthorized proposition, to treat for the*



land East of the Chattahoochie river; stating to the Council the necessity of an effort, on their part, to extricate themselves from their embarrassments by a treaty comprehending the principal part (as they had refused to treat for the whole) of the land required by the United States; adding that, if they were disposed to treat for the land East of the Chattahoochie, I would endeavor to prevail on the President to sanction such treaty, and that the circumstance of its making the Chattahoochie river the boundary, would probably render it acceptable.

The Council, however, refused to make a new treaty, even to the limited extent of this unauthorized proposition. I deemed it proper, therefore, to abstain from noticing it in my official reports to you.

The paper signed by the principal chiefs, and submitted to you, authorizing the delegation about to visit the Seat of Government to make a treaty, was intended, and distinctly stated, to refer to the *authorized proposition* explained to the council by me, through the public Interpreter, comprehending all the land claimed by the Creeks within the limits of Georgia.

I have packed up my papers with a view to commence, to-morrow, my journey to the West, *via* Washington, where I shall be in the course of the present week; when, by referring to my memorandums, I hope to be able to give you any further information that you may require upon this subject.

I made and submitted to the Council a sketch of the Creek country, which I think is among my papers, exhibiting the supposed boundary of the Creek nation, as well as of the State of Georgia, North of the Bend at which it leaves the Chattahoochie river, near the Broken Arrow. Had I been authorized to fix the boundary, I should have decided in favor of the Chattahoochie river; although there is a small skirt of land to the West of that river belonging to the State of Georgia.

With perfect respect, &c. &c.

EDMUND P. GAINES,

*Major General by Brevet.*

Hon. JAMES BARBOUR,

*Secretary of War.*

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*The Secretary of War to the Georgia Representation in Congress.*

DEPARTMENT OF WAR,

December 24, 1825

GENTLEMEN: The Executive, influenced by the strongest desire to relieve the controversy with the Creeks, so far as Georgia was particularly concerned, from the difficulties produced by their determined opposition to the treaty of the Indian Springs, has been negotiating some time past on the basis of a surrender of all their lands within the limits of Georgia. The prospect of success was for a time flatter-

ing ; recent events, however, have entirely dissipated it, as to the whole of their lands in Georgia. They are willing to make a cession to the East of the Chattahoochie, insisting on the necessity of a natural boundary as a protection against those trespasses which they suffer when separated only from the white population by an artificial line.

By reference to the map, it appears that a very large proportion of the lands within the limits of Georgia will be acquired by the establishment of the Chattahoochie as the line of demarcation. They have incumbered this proposition with some conditions which are exceptionable, but which it is hoped might be satisfactorily modified.

The Executive has refused to accept any proposition short of an entire cession within the limits of Georgia, and have used all the means in its power, consistent with a sense of duty, to induce them to yield. To a communication signifying this determination on the part of the Executive, they have returned the enclosed reply, so as to leave no ground on which to justify an expectation that they will recede further. The Executive is brought, therefore, to the question, whether it is most advisable to refer the treaty, with the objections made to its validity to Congress for their decision, or to accept the new basis of the Chattahoochie, and resume the negotiation. As the course heretofore pursued by the Executive has been dictated alike by a sense of duty and a most sincere wish to place the subject on a footing acceptable to Georgia, her wishes on the question which the Executive finds itself obliged to decide, would have great influence on its decision. To learn her wishes, therefore, is desirable. Her Delegation in Congress may be safely resorted to as being able to furnish the most satisfactory information on this point ; and the posture of the affair is made known with a view to enable you to make such a communication to the Executive as in your own judgment the circumstances may justify or require.

I have the honor to be, &c.

JAMES BARBOUR.

Hon. Thos. W. Cobb,  
J. McP. Berrien,  
John Forsyth,  
George Cary,  
A. Cuthbert,  
C. E. Haynes,  
James Meriwether,  
Edwd. F. Tattnall,  
Wiley Thompson,

*Members of Congress from the State of Georgia.*

*Major Meriwether to the Secretary of War.*

WASHINGTON, 5th January, 1826.

SIR : I have read with as great attention as my situation and duties would permit, the report of T. P. Andrews, made upon his investiga-

tion of the charges preferred by the Governor of Georgia, against John Crowell, United States' Agent, for the Creek Nation, and the documents upon which it purports to be founded.

It is true that, from public rumor and the newspaper publications of Mr. Andrews himself, I was in some measure prepared to expect that it would, to some extent, impeach my conduct as one of the United States' Commissioners, who negotiated the late treaty with the Creek Indians. But I cannot conceal from you my surprise at seeing, that, at the outset, in order to ensure the acquittal of the Agent, Mr. Andrews has found it necessary to impeach the integrity and veracity, on oath, both of Col. Campbell and myself. If we had been the accusers of Col. Crowell, and the prosecutors of the charges against him; or had volunteered in giving evidence against him, either before the Committee of the Legislature of Georgia, or elsewhere; then, indeed, Major Andrews, as the judge between the accusers and accused, might have formed some excuse for his unjust insinuations against us.

But it will be borne in mind, that we made no charges against Col. Crowell, we instigated no prosecution against him; nay, Col. Campbell, expressly declined becoming his accuser before the late Executive of the United States; and, when we did testify before the Committee of the Georgia Legislature, we were summoned by a regular process, which it would have been criminal in us to have disobeyed.

Admitting however, that it was proper to impeach the credibility of our evidence given before that committee, I cannot conceive how the validity, or invalidity of the treaty made by us, or the measures we adopted to effect it, became the subject-matter of review, in order to establish the truth or falsehood of the charges made against Colonel Crowell. These charges were; 1st, predetermined resolution (on the part of Mr. Crowell) to prevent the Indians, by all the means in his power, from making any cession of their lands in favor of the Georgians, and this from the most unworthy and unjustifiable of all motives. 2ndly, with advising and instigating, in chief, the death of McIntosh and his friends.

Here the questions were; 1st, did the Agent entertain such predetermined resolution, and from what motives did he form it? And 2d, did he instigate the death of McIntosh and his friends? In order to his conviction or acquittal, under those charges, was it necessary to shew that the treaty was a nullity, and that the Commissioners who made it, were guilty of corruption, intrigue, or treachery, in negotiating it?

But, if the trial of Crowell was to result in the accusation of Col. Campbell and myself, of official misconduct, the propriety of giving us notice that such accusation was in a course of prosecution by Major Andrews, is too evident to require remark. How it happens that the *ex parte* proceedings of the Georgia Legislature against Col. Crowell, is so much the subject of reprehension by the Special Agent of the Government, while, at the same time, he is collecting evidence of the same character to impeach the Commissioners of acts scarcely less criminal, without an intimation to them of any such proceeding, is

left to the sense of justice of the President, or those to whom he may refer the subject to decide. Had we been the Agents of the State of Georgia in treating with the Indians, there would have been some shadow of excuse for the course pursued by Major Andrews. Had we been removed from the scene of his operations by any considerable distance, yet more excuse might have been found for his conduct; but two, or at most, three days' journey of a messenger, or the ordinary communications by mail, would, within a week, have brought us intelligence of the kind of evidence he was collecting; and had we then neglected to sustain our characters, or our measures in making the treaty, the blame would have properly rested upon ourselves.

My situation is such, that I might with great propriety claim at the hands of the President, as an act of mere justice, to withhold from the public a document, so seriously affecting my private reputation and official conduct, until I could have time to adduce, and the requisite facilities afforded me of obtaining evidence to show, that, at least, so far as respects my conduct individually, or in conjunction with my associate, Col. Campbell, the imputations contained in Major Andrews' report are either wantonly unjust, or founded upon testimony totally unworthy of credit. It will be recollected that I have had no notice of the contents of this report, otherwise than by rumor, or the publications which Major Andrews has been permitted to make, until I arrived here. So soon as from these sources we understood the nature of some of the evidence collected by the Special Agent, (in August last,) we made application to your Department, for copies of such as impeached our conduct. From information derived from yourself, I learn that copies were forwarded to us in October; none had arrived when I left home, nor have I yet been informed of their having reached Col. Campbell. They had not reached him at the time our exposition, which you have seen, went to the press, as from the most respectable authority I have reason to believe.

The tardiness with which these documents were transmitted, and the particular moment at which they must have reached me, if they reached me at all, (just on the eve of my departure for this place) would afford sufficient ground of complaint, were I disposed to make any. But, as I cannot conceive that the President can be so unjust as to entertain the wish of shielding the Special Agent from reprehension, or of sustaining Col. Crowell in his office, at our expense, I am disposed to attribute this delay to accident, or the pressure of official business; as, otherwise, I cannot conceive that two months could be required to copy the report and evidence on which it was founded.

Situated as I am, I can do little else than suggest such observations as occur on perusing the report and depositions, limiting my remarks to so much as affects me, individually, or in conjunction with my colleague in the commission. It is more than once mentioned by Major Andrews that the testimony of Col. Campbell and myself, before the committee of the Georgia Legislature, does not appear to be sworn to. Mine was sworn to, and I entertain no doubt but that Col. Campbell's was also. Indeed, in the printed copy of his testimony, which I have;

it is expressly stated, that Col. Campbell appeared under process of subpoena, "and being sworn in the presence of said committee, and furnished with interrogations," &c. This printed copy will be furnished on request.

By way of attacking the credit both of Col. Campbell and myself, Major Andrews adverts to the different course of reasoning, by which we arrive at a similar conclusion in regard to Col. Crowell's conduct. This is, by no means, an uncommon circumstance. I shall, however, refer it to the candid judgment of the President, or the public, to decide, whether Col. Campbell's or my veracity should be doubted, because we have formed a similar opinion, from the same facts, by a different mode of reasoning. Leaving to Major Andrews the full benefit of all the aid he can draw from *distinguished writers* on the law of evidence, I proceed to notice what he has chosen to consider a discrepancy between Col. Campbell's testimony and his letter to the Secretary of War, dated 28th November, 1823. This letter was dated after the conversation sworn by him to have been held with Crowell, and contains the expression confirmed by the Agent, &c. On which Major Andrews inquires whether he would have used such expression if he had had such a conversation as is testified to. The facts afford an answer most satisfactory: At Newtown, in the Cherokee nation, before the conversation, the Creek Chief, General M'Intosh, at the head of a Creek deputation, had intimated to us that we might possibly obtain a cession of lands from the Creeks, and this was the circumstance "since confirmed by the Creek Agent."

In his testimony, Col. Campbell says, "that, in the conversation, Crowell informed him, that he had prepared the Indians to cede a part of their lands, or "that he had it all fixed." Can any thing be more obvious than that, by using such expressions, the Agent did confirm what had before been communicated by Gen. McIntosh, to wit: "that the prospect of getting land was much more favorable in that quarter," (the Creek Nation.)

It is true, that Col. Campbell goes on to testify, that the Agent intimated, that, as Troup had been elected Governor, he (Campbell) must not expect success, while he remained Governor. But this expression by no means changes the *confirmation* of the prospect of a cession held out by the Creeks; the prospect was then good. It had not then been changed, whatever the Agent might be enabled thereafter to do: nor had Col. Campbell any reason to believe, between the date of the conversation (Nov. 6, 1823,) and that of his letter, (28th of the same month,) that the Agent had operated a change in the minds of the Indians, or *unfixed* the "thing" which he "had fixed."

The relation existing between the Agent and Col. Campbell, should be here understood. The Agent, before his removal to Alabama, had lived in Georgia. Their acquaintance had been long. They belonged to the same political party. The removal of the Agent had not, it seems, impaired the deep interest he felt in the politics of the State, and his zeal for the success of the party to which both he and Col.

Campbell belonged, was as warm as ever. The acquisition of territory was a matter of such consequence to Georgia, that the popularity of any Administration in that State was likely to be promoted by it. Cols. Campbell and Crowell were both attached to the party of Taffot, the opponent of Troup, and both equally chagrined at the success of the latter. Their long acquaintance and similarity of political opinion, naturally led to conversation on that subject.

But Col. Campbell was actuated by a feeling to which the Agent appears to have been a stranger. He dared to promote the interest of the State, of which he was a citizen, under any administration. Col. Crowell had no such sentiment, except as connected with his political partialities. Col. Campbell, as much chagrined as he might have been at Troup's success, was not less so at our disappointment in the mission to the Cherokees.

Remembering what had been said by the Creek Chiefs at Newtown, and influenced by a desire to promote the interest of the State, it was natural for him to inquire of the Agent, whether the prospect of a cession was as had been represented, and it was equally natural for Crowell to answer as he did, if "*the thing had been fixed*" by him, as he stated; and it was finally almost a matter of course, that, when he informed the Secretary of War of our disappointment at Newtown, in the Cherokee Nation, he should also communicate what he had heard from the Creeks, and its confirmation by the Agent.

Nor is the evidence of Col. Campbell invalidated by his expressions as quoted from his other letters, viz: that to the Agent, dated 27th July, 1824, in which he says, "*I am happy that our acquaintance will authorize a free discussion &c.;*" or that to the Secretary of War, dated 8th August, 1824, wherein he speaks of the Agent as "*intelligent and communicative,*" and expresses his conviction that he "*will afford all the facilities in his control;*" or in that to Mr. Triplett, dated 24th August, 1824, wherein he expresses his anticipations of pleasure from a jaunt to the Agent's country, "*to which his overflow of good feeling will contribute not a little.*"

There is no doubt but that Col. Campbell did, at the dates of those letters, entertain for the Agent all the feelings he expressed. Believing him "*intelligent and communicative,*" and so regardless of his duty, that he would "*contribute all the facilities within his control,*" and possessed of such "*good feeling,*" as that he would contribute all he could to the pleasure of his private and political friend; he would have done injustice to his friend, if he had believed him capable of such a departure from the obvious line of his duty, as to prevent a cession of land so beneficial to Georgia, merely from a disappointment in the result of an election in which he took an interest.

On the contrary, his reasoning in relation to his friend, would be just such as he expresses it to be; that the change in his feelings upon the subject of a cession was the result of momentary excitement, while smarting under the sensations of disappointment, and would be evaporated by time, reflection, and the plain dictates of duty. Such would be the construction put upon Col. Campbell's evidence and let-

ters, by an honest mind, though endowed with no extraordinary degree of charity. If Col. Campbell's opinion of the Agent was afterwards changed, it was from an irresistible conviction, produced by his subsequent conduct, that he had entirely misconceived his character. My relation to the Agent was very different. I had but a slight acquaintance with him, was attached to a different political party, and felt for him no particular regard. It is, therefore, not surprising if my opinions of him were not so entirely favorable as those of Col. Campbell.

Major Andrews seems to admit, that, if indeed the Agent used the expressions testified to by Col. Campbell, he "disgraced himself." Whether he disgraced himself or not would depend upon after circumstances. If the expressions were uttered in a moment of strong excitement, and his feelings subsided with the causes by which they were aroused, or by reflection, at most, they would have subjected him to the charge of imprudence, which might admit of excuse. But if, after time for due deliberation, he proceeded to act in conformity with such expressions, then indeed they would become dishonorable and highly criminal. Col. Campbell's favorable opinion of the Agent, would naturally lead him to put a kindly construction upon his words, nor did he change that opinion, until he was compelled to do it by subsequent circumstances.

But Major Andrews can form no excuse for Col. Campbell's not revealing this conversation to the Secretary of War, when called on to designate the persons to whom we alluded in our journal at Broken Arrow, as being the active agents in counteracting our exertions. Although I might and probably would have adopted a different course from that pursued by Col. Campbell while on his visit to this city, yet, I cannot conceive that his refraining from the adoption of measures which, in Major Andrews' opinion, were so obviously proper, should destroy his credibility. The *crisis of the moment* would furnish a satisfactory reason for withholding the communication of these remarks of the Agent. Their revelation might possibly have produced his removal: an abortive attempt, however, would have been worse than no attempt at all. It would only have served to increase the opposition of an individual, already more than sufficiently disposed, as we believed, to frustrate our purpose. Except to enable us to succeed in the negotiations with the Indians, neither of us could have sufficient motives to wish the removal of the Agent. Nay, there was no other person in the nation whose official station would render his co-operation so effectual; and Col. Campbell entertained the confident expectation, that instructions of so specific a character would be issued, as that the Agent would be enforced thereby to the hearty performance of his duty. His cordial aid would have ensured our success; while, on the contrary, had he been dismissed, his enmity, and that of his brothers and dependents, to a treaty, would have been redoubled, while we should have found ourselves entirely destitute of the means of counteracting their opposition. These considerations would, at least, render the policy of making formal charges against the Agent doubtful, and I believe influenced Col. Camp-

bell to withhold the communication of the conversation testified to by him. I repeat that we had no wish to remove the Agent from office, if by his aid (an aid which we were certain could be made not only useful, but effectual, by the united exertions of himself and his dependents.) the objects of our mission, which we *believed* to be highly desired by the United States, and which we know to be so desirable to Georgia, could have been effected. It may also be true, that Col. Campbell had not yet lost all regard for a man with whom he had been so long friendly in private life, and with whom he had co-operated politically. Nor should it be forgotten, that this conversation occurred in the presence of no third person by whom it could have been proven; and, in case of denial, Col. Campbell's credibility must have been tried with that of the Agent. These considerations combined, might well lead him to pause, before he made such conversation the ground of charge against Col. Crowell. It is, however, proper to inform the President, that Col. Campbell *did* informally make known this conversation to the Georgia Delegation, and to one member of Mr. Monroe's Cabinet, through whom it is believed to have been communicated to the President.

The letter addressed to the Agent by the Commissioners, in which we expressed our gratification at his expected co-operation, was in answer to one written by him, in which such co-operation was promised. It was a proper answer under the circumstances: any other would have been an act of folly. To have doubted his word would have been the surest means of exciting his opposition. Whether he fulfilled the promise contained in his letter, or not, is a question that I am not called on to discuss. Even now I do not wish to be considered the Agent's accuser. It would have been an act of no less folly to have issued "express and explicit orders" requiring his aid. What could be expected from such orders to a man who had already received "express and explicit" orders from the Secretary of War; and who "expressly" promised, in conformity therewith, that he would co-operate with us? Under such circumstances, an order would have implied a doubt of his sincerity, which would have aroused him to more active exertions to counteract our views. These exertions could have been used (and whether they were or not I shall not say) without the possibility of detection. His situation as Agent, having an extensive acquaintance with, and great personal influence over, the Indians; the subserviency and devotion of a cunning Interpreter, whose influence we frequently saw and felt; the subserviency of his brothers and others, enjoying advantages in the nation by his license; and many other circumstances which could be enumerated, placed it completely in his power to "undo," privately, that which he himself had, *apparently*, done in public.

On the whole, it is obvious that the better course was that which we pursued; that is, to permit him without molestation or orders, voluntarily to pursue *his* course, according to his own views of duty, by which his neutrality, co-operation, or counteraction, would manifest itself.



The conversation between Col. Campbell and the Agent, is testified to by me as I received it from the former, and of which, contrary to my usual custom, I made a memorandum soon after it was detailed; from that memorandum alone my evidence was given.

Major Andrews attempts to draw a strong inference against the credit of both Col. Campbell and myself, by endeavoring to shew an anachronism, to wit: that Crowell never could have advised Colonel Campbell to resign, because, in truth, the latter then held no commission to negotiate with the Creeks. This objection to our evidence admits of easy solution. It is true, that, at the time of the conversation between the Agent and Col. Campbell, the latter held no commission to treat with the Creeks; but it is believed to be equally true that *this circumstance was unknown to the Agent*. He had never seen our commission, and his only knowledge of our authority must have been drawn from the appropriation law, under which we were appointed, or the newspaper accounts founded upon that law. The appropriation of \$30,000, in consequence of which we were appointed, was for the purpose "of holding treaties with the Cherokee and Creek tribes of Indians, for the purpose of extinguishing the Indian title to all the lands within the State of Georgia," &c. (See act 7th May, 1822.) Under this act we were commissioned; and, from the phraseology of the law, not only Col. Crowell, but all others, with but few exceptions, would naturally, and, no doubt, did believe, that the commission accorded in extent with the appropriation, and that we were authorized to treat with both tribes.

It is, however, true that the President, believing the appropriation insufficient for the expenses of treaties with both tribes, thought it best to apply the whole of it to an attempt at that object with the Cherokees; and our commission was framed accordingly. Of this, it is believed the Agent was not apprized at the date of the conversation; on the contrary, having a right to believe, as doubtless he did, that, after our failure in the Cherokee nation, our next attempt, pursuant to the law, would be with the Creeks; and, wishing to save his friend the mortification of a second defeat, which, according to his own expressions, he had determined should take place, because of the "change in his feelings," produced by the result of the Governor's election, in that regard; he advised him to resign his commission.

It may be well to mention another circumstance. Col. Campbell was, at that time, acting under the orders of the President in the disbursement of another appropriation of \$50,000, made in March, 1823, to extinguish the Indian title to reserves allowed by the last treaties with both tribes. Our duties, in regard to the Cherokees, had been completed, as far as they could be at that time; and I had been on an expedition to perform the same service among the Creeks, during which I passed near the Agency. Now, is it not reasonable to suppose, that, inasmuch as the appropriation of \$30,000 was made to hold treaties with both tribes, and the one of \$50,000 was made to extinguish the Indian title to reserves held under treaties, made, likewise, with both tribes, that the Agent would believe that, as we were

authorized to purchase reserves from the natives of both tribes, so, likewise, we were authorized to treat with both? Unless, then, it can be shown that Col. Crowell had positive information, not only that our first commission authorized us, contrary to the inference to be drawn from the appropriation, to treat with the *Cherokees only*, and that we had not been commissioned to treat with the *Creeks*—neither of which is pretended by Maj. Andrews—the explanation is, I humbly conceive, conclusive as to all his difficulties on this point.

In adverting to the next portion of Maj. Andrews' report, I cannot forbear pointing your attention to the evident partiality which it manifests towards the Agent. Indeed, no man can read it without the conviction that the whole report is an argument in *defence*, rather than a *dispassionate opinion* acquitting the Agent. Even the admitted neutrality of Col. Crowell finds in Maj. Andrews, what it did not find in Mr. Monroe—a warm apologist.

The reasons for that neutrality are worthy of notice; and, although it is not my business to remark upon them, yet the excuse for his refusing to act, officially, in aiding our efforts, is too flagrantly inconsistent to be passed in silence. The Agent then would not interfere, officially, to effect a treaty at Broken Arrow, because of a "wish, on his part, not to excite the jealousy or ill will of the Indians, &c.;" and a severe censure is cast upon the Commissioners, because they did not communicate this reason for his *not interfering* to the Government, so as to have saved him from rebuke; especially as, from our "understanding and talents," we must have had a knowledge of it. Yet it seems he had "unofficially advised the Indians to consent to a treaty." How it is that his "official" advice would have excited the jealousy of the Indians, and yet that his "unofficial" advice would not produce the same effect, is, to me, notwithstanding my "understanding and talents," utterly inconceivable. Indeed, I should conceive that the "unofficial" advice was more likely to produce this effect than the "official." Acting "officially," even the Indians might infer that he acted by the order of his Government. Giving the same advice "unofficially," was calculated to excite a suspicion that his "official" reserve was affected.

The truth is, however, that the Agent was in duty bound, as the officer of the United States placed in the Creek nation to effect the views of the Government in *all respects*, to have afforded us his sincere and cordial aid, both "officially and unofficially." This is so obviously true, as to require no proof. As to Colonel Crowell's *unofficial* acts favoring the object of our mission, we had no knowledge of any, except such as we believed to be very suspicious.

It seems, however, that the Agent did co-operate, "whilst there was a prospect of the chiefs, generally, agreeing to a treaty." If his address to the Council on the renewal of the negotiation at the Indian Spring, be any evidence of co-operation, he did co-operate. That address was, in substance, placed on our Journal, and its correctness is not questioned now, neither was it by the Agent, to whom it was read. I solicit the attention of the President to it; and I think he will admit that it was but little calculated to aid the object of the mission.

Here Major Andrews admits the Council, to whom this address was made, to be competent to make a treaty. The admission is noticed, because it may hereafter be adverted to.

Maj. Andrews thinks that no censure should be cast upon the Agent for not restraining the adverse movements of his Assistant Agent, "Walker," because we did not show that these "adverse movements" were known to him. This failure to *make a showing* is attributed to us as a fault, although we were not the prosecutors of the Agent. Here is a specimen of the Major's justice and impartiality to us. Having made us Colonel Crowell's accusers against our will, and then impeached our veracity, it places us in such a situation as that whatever either us may now say would be unworthy of credit in his estimation. If he will give himself the trouble of examining our testimony again, he will find the charge *substantially* established, at least so far as it could be done by *our oaths*. Let us see, however, if it is not elsewhere established, that these proceedings of the Sub-Agent, Walker, were known to the Agent, even before our commissions were received, and whether he did any thing to counteract them, or reported them to the Government.

The first intimation I received of the proceedings at Tuckabatchie, and those at Polecat Spring, was derived from an Alabama newspaper, handed to me by Colonel Crowell at the Agency, on my way to Broken Arrow, in November last.

Major Andrews gives Colonel Crowell considerable credit for showing me this newspaper; but it should be recollected, that this promptitude of the Agent's never manifested itself until after the proceedings were published, and I was on my way to the treaty ground. At that period, the knowledge of them could no longer be withheld. *Even then* he did not censure Walker's conduct, but disclaimed all knowledge of the author of the Tuckaubatchie talk, and attributed the one at Polecat Spring to the Rev. Lee Compere.

But, did not the Agent know of these proceedings (at least that at Tuckaubatchie) before he handed me the newspaper? His official situation would of itself offer conclusive proof that he did. He was in the nation, possessing all the facilities, through his brothers and others, of receiving information; not a Council could be held without his knowledge; his Sub-Agent was active in the business; the proceeding was so public, that no one pretends that concealment was attempted. Under these circumstances, it is beyond belief that he could be ignorant of it.

But, in our Journal of the 15th December, 1824, is the following entry, the truth of which is not, and will not be, denied: "In conversation with Colonel Crowell, the Agent, the Commissioners were informed that the two publications, dated at Tuckaubatchie and Polecat Spring, signed by a number of the *Upper Town* chiefs, were written by the Sub-Agent, Captain Walker; that the first, (that of Tuckaubatchie,) was brought to *this place* (Broken Arrow) *in June last*; no signatures were obtained, but the *Agent* understood it to be consented to generally. It was *then* (in June) in the hand writing of Captain

Walker. "The last meeting, when the Polecat proceedings occurred, was at *Walker's house*. No communication was made to the Government of either of these proceedings." Inasmuch as our veracity, when on oath, has been attacked, I know not whether I am acting with a prudent self-regard, to superadd to this extract from our Journal a fact distinctly recollected, viz: that he told us he had seen and read this Tuckaubatchie proceeding when produced at Broken Arrow in June, and then saw that it was in the hand writing of Walker—the extract from our Journal sufficiently proves the same fact.

Colonel Crowell then *did know* of these proceedings at Tuckaubatchie, in June, if either our Journal, or my statement, (which I am willing to verify,) is entitled to credit.

That both are true, is strongly inferable from the circumstance that the fact is no where denied by Major Andrews or Colonel Crowell.

As though aware of the case with which the Agent's knowledge of this proceeding could be established, Major Andrews assumes the position that neither *that*, nor the subsequent one at Polecat Spring, appears to be of any importance in "*regard to the point under examination*." The point under examination was, whether there was, on the part of the Agent, a "*predetermined resolution*" to prevent a cession of land, and the motives of such resolution. Both these proceedings, at Tuckaubatchie and Polecat Springs, contained an expression of the unalterable determination of the Indians who signed them, not to cede any more lands, and denouncing death against such as should consent to a cession. They had a direct bearing upon the object of our commission, and were calculated to prevent and obstruct that object. Colonel Crowell was apprized of the obligation of the United States, under the compact of 1802, to obtain such cession for the benefit of Georgia.

The appropriation made by Congress for that purpose, (which at its previous session had been increased to \$ 50,000, in order to ensure success,) was also known to him, and must have afforded the best evidence of the anxious desire of the United States to discharge this obligation to Georgia.

To defeat measures thus calculated to obstruct the Government in fulfilling its engagements, must then have been a dictate of duty so plain and obvious, that either a refusal or neglect to attempt its defeat, was highly censurable, not to say criminal. Colonel Crowell *did not* attempt it; whether from refusal or neglect, is for the President to decide. That he knew of these proceedings, so far as they took place at Tuckaubatchie in the Spring, as early as June, is undeniable. When at that time this proceeding came to his knowledge at Broken Arrow, and that his Sub-Agent was active in getting the measure adopted, he ought to have informed against him, if, after trial, he could not control him. He should have apprized the Government of a proceeding so well calculated to prevent its desires, and thwart its true policy.

We received our commission in July, and on the 27th of the same month he was written to, and must have received the letter by the 6th of August, if not sooner. Informed, then, of our appointment and its

object, and *knowing* the Tuckaubatchie proceeding so directly at war with that object, ought he not, when writing to Colonel Campbell on that day, to have given some intimation of it?

Between the 6th of August and last of November, when we set out for the Agency, more than three months elapsed. Within that period could he not, *and ought he not*, to have intimated to the Government something of these proceedings, especially as it is believed that, within that time, he had a personal interview with Colonel Campbell? Should he not have said, "It is in vain for you to come, the Indians have determined not to cede any more lands, and the Sub-Agent has encouraged them to make the determination?" Colonel Crowell *does nothing of this kind*, and the omission argues more than forgetfulness—it is strongly presumptive of a want of inclination to aid the views of Government; and, if so, it is worse than idle to say these proceedings, connected with the Agent's knowledge and silence in regard to them, were matters of no importance to *the point* under Major Andrews' examination. Colonel Crowell is entitled to no credit for causing the papers relative to this transaction to be produced. He did so under the *express order* of the Commissioners: to have disobeyed, would have afforded incontrovertible proof that he was *particeps criminis* with Walker.

Major Andrews attributes our failure at Broken Arrow not to the Tuckaubatchie and Polecat Spring proceedings, the opposition of the Sub-Agent, or the neutrality of the Agent; but to the "intrigues of the Commissioners and their Agents with a corrupt chief, instead of pursuing their object in an open and frank manner with the Councils of the nation." It is matter of deep regret, that this gentleman's skill in the manner of making Indian treaties had not been hitherto imparted to all Commissioners appointed for that purpose: we were perhaps unfortunate in not having the benefit of his profound knowledge of Indian character. But we had necessarily to proceed without the aid of his opinions, and, therefore, adopted such measures as we understood had been used on such occasions by others clothed with commissions similar to our own.

As to Agents, we employed *one*, and *one only*, viz: Major Wm. W. Williamson, and he was *not* authorized to offer *bribes*. If any others were employed, I know it not, and I am yet to learn that there were any others. Many tendered their services, and extolled their peculiar qualifications: many volunteered to obtain and communicate information, to which we always listened, but never gave them instructions. They were willing, no doubt, to create the impression that, by their instrumentality, wonders could be wrought. Major Andrews has doubtless been misled by the imprudent, not to say foolish, expressions proved to have been made by some such.

Mr. Joel Bailey, who states that he made exertions with the knowledge and sanction of the "*Commissioners*," *never was employed by me*, or with my knowledge or consent. If Colonel Campbell ever gave him authority to make propositions, I am ignorant of it; neither do I believe it. It is true, he was very busy—so were others; but I

have no doubt he acted more with a view to secure his own interests in the Indian Spring reservation, than for any other object. Had a treaty been made, that reserve on which he held a lease would have been purchased : and here is the whole secret of his Agency.

I am also yet to learn that, in negotiating an Indian treaty, it is improper to hold private conferences, *by day or night*, with influential chiefs.

If this is an unworthy intrigue, I fear I shall have to labor under Major Andrews' imputations. Nor did I conceive that there was a moral or political guilt in availing ourselves of the acts of those who we believed had an influence over the chiefs. If there is, I am persuaded that many others, whose names and characters are more conspicuous than ours in the history of this Republic, will become the victims of the Major's reprobation. I presume the "corrupt chief" alluded to, was General McIntosh. It was not thus that this distinguished chief was spoken of when he was subduing the enemies of the United States, and those enemies his own countrymen. Did I possess the will, this is no occasion to pronounce his eulogy. This much, however, I will say, that he was in every respect *the equal*, and, in attachment to the United States, *superior* to his fellows. How the *official* abuse of this deceased ally of the United States is likely to contribute to the honor of this nation, is not for me to inquire. The Commissioners had early proofs of McIntosh's willingness to accede to the wishes of the Government, as expressed by us.

To have neglected him ; nay, to have failed to conciliate him and his immediate adherents and friends, would have been the sure means of defeating our views. Finally, Major Andrews' opinion to the contrary notwithstanding, I venture the assertion, that, without private interviews, conversations, and discussion, with the chiefs, and without the aid of persons having a knowledge of Indian character and customs, we might have reiterated our propositions in *fair and open Councils* until this time, without attaining our object. It is admitted that, in *fair and open Council*, the Indians were "apparently" firm in their determination to cede no lands. That they were not only "*apparently*," but *really* so, our own experience but too fully proves. But, if we were to be confined to what he is pleased to call "a fair and frank manner with the Council of the nation," how we were likely to remove their objections to a cession, whatever time should be allowed them, I am unable to conceive. Perhaps, had Major Andrews been employed, his more persuasive eloquence would have succeeded, when our feeble logic failed.

It is a misfortune that the superior qualifications of this gentleman, who has thus boldly ventured his "opinion" upon the impropriety of our conduct, had not been put in requisition upon this occasion. I wish not to speak of my own qualifications, and therefore will only say, that, as I was appointed to discharge an important trust, I did it in the best manner I could, by pursuing measures adopted previously by others, in similar situations, against whose conduct no complaint has ever been uttered. If my colleague and myself are to be the first vic-

time of a new policy in this regard, we must prepare to submit to our fate with as much fortitude as possible. I am however persuaded that, by recurring to the affidavit of Dr. Wm. Meriwether, (of whose character and standing you can be informed by application to the Georgia delegation, or to others who knew him,) the President will discover, that, in the measures we adopted, there was nothing novel or unprecedented.

I cannot here omit to notice the various intimations contained in Major Andrews' report, and the evidence on which it purports to be founded, concerning the sums of money offered or distributed among the Indians. I think I may safely defy the production of proof, *easy as it may be obtained on the principal theatre of Major Andrews' proceedings*, of the distribution of any presents, to any amount, worthy of consideration, previous to the signing of the treaty.

I shall not attempt to deny that the chiefs were informed, that a considerable sum was placed in our hands, which, after paying all other expenses, we were authorized to distribute in presents. It is submitted to the President to determine whether in this there was any thing unusual, and, after *examining our instructions*, also, to decide whether we were not *authorized* thus to apply the money placed in our hands. That we did distribute considerable sums, after the treaty was concluded, is a fact which we never attempted to conceal; nor could we have concealed it from the Government, if we had tried. Our accounts must necessarily have shown it. These accounts are rendered, and from them the Government can be informed of the precise amount thus distributed.

If, however, this conduct is, for the first time, criminal in us, it is submitted, whether, as an act of justice, the accounts of all other Indian Commissioners should not be published simultaneously with ours, that it may be seen whether we are more reprehensible than others. I now repeat, Sir, what I had the honor of stating to you in conversation, that, so far as respects *my* act or deed, in negotiating this treaty, *I have nothing to conceal*, and only ask to be protected from falsehood and glaring misconstruction; I may venture to say the same of my colleague also.

In order to justify the Agent, and more effectually to discredit the testimony of Colonel Campbell, Major Andrews next proceeds to attack the treaty itself, "as a deception on the Government, because the signers were not the representatives of the nation, and that the nation, or its representatives, had not consented to it."

Upon this point, introduced into the report with such a parade of affected solemnity, I beg your indulgence, while I submit a few remarks, in which I shall not attempt to follow him through all the windings of his efforts at a connection of minute circumstances. I beg leave to recur to a few facts, the truth of which will not be controverted. The large sum appropriated by Congress, in order to cover the expense of negotiating this treaty, the especial object of which was to acquit the Federal Government of its obligations to Georgia, and the particular instructions given to us to consult the "feelings and

wishes of Georgia" in any treaty we might make, sufficiently manifest the anxious desire of the Government for the successful result of our mission. I will not repeat the history of our operations at Broken Arrow, or causes of our failure at that place; these have been officially made known, and can receive no elucidation by additional remark.

I will, however, observe, that we could have succeeded in making a treaty with the chiefs representing the Indians, within the limits of Georgia, at that place. Under a doubt of our authority we declined it. We conceived it proper that one of us should come personally to Washington, more effectually to make known the difficulties we had to encounter, and Colonel Campbell was selected for that purpose. It is true, that authority to treat with the Georgia Indians, separately, was refused; whether properly or not, is not for me to decide. We had seen but too plainly the propriety of changing the place of negotiating, because, at Broken Arrow, we could not either detect or counteract the machinations of those in the nation, whether agents, sub-agents, traders, Cherokees, Indian countrymen, or others, whose interest it was to obstruct a further extinguishment of Indian title. It will be seen we had express authority to choose a different place, and thither to summon the chiefs of the nation.

We selected the Indian Springs, and, by letter to the Agent, dated 12th January, 1825, expressed our desire that "all the chiefs of the nation who were in the habit of transacting public business, and of signing treaties," should attend. The Agent was furnished with a summons "to all the chiefs of the Creek nation," requiring their attendance; and it is not pretended by the Agent, or Mr. Andrews, that this invitation was not circulated in time to admit of their attendance. In fact, as many as wished to do so did attend.

Did the Indians thus assembled represent the nation? It is true that the Little Prince, who is represented as the principal chief of the nation, did not attend, whether from age, infirmity, or sickness, (but perhaps from all) I am unable to say. But his presence was not indispensable to a treaty. The town in which he lived, Thlecatchka, or Broken Arrow, and the tribe to which he belonged, (the Cowetas) were represented by a numerous deputation. The Big Warrior was represented as being the principal chief and Speaker of the Upper Towns, which includes most of the towns in Alabama. He did not attend because he was sick. But a certain number of Indians represented him and his towns, Pothleyoholo at their head; and these attended under positive instructions to make no treaty. Had none others from the Upper Towns attended, this deputation would have represented them. From the Cusseta Towns a numerous deputation attended, with Tuskenchaw at their head. It is not known that any chief attended from Osweetche, the fourth principal town; but, from Sowagalo, one of its dependencies, as has been represented to us, Stedham, who is a chief, attended. Coweta, Cusseta, Tuckubatchie, and Osweetchie, are said to be the four great towns, upon which the other towns or villages are dependent. To give an instance of this



dependence, Thlecatchka or Broken Arrow is a separate town, yet Little Prince, and all others who live in it, call themselves *Cowetas*, and are, in some respects, under the government of the principal Coweta chief. But there was a numerous attendance from many of these principal dependent towns, viz : Newyocco, Sand Town, Hitcheta, Big Shoal, and Talledega. These towns are scattered from one end of the nation to the other. It will be remembered that *chiefs*, all those in the habit of transacting public business and signing treaties, were alone invited. The whole number who attended was little short of four hundred. I do not pretend that the Commissioners were so intimately acquainted with the Indians as to know who were or were not chiefs. How could we know but by information? We invited "chiefs;" near 400 *Indians* attended, and a large number of these are represented as being chiefs and head men, by McIntosh and others. The Agent and Interpreters are in attendance, and they give us no notice that we are laboring under a delusion. If any ought to know, they should, whether the assemblage before us were chiefs or not, or were sufficient in number and grade to constitute such a Council as was in the habit of transacting public business and signing treaties. Not the slightest intimation of the insufficiency of the authority with which we were about to treat, reached us *from any quarter* when we commenced the negotiation. Pothleyoholo himself never intimated an objection, until after the negotiation was commenced, and its probable success distinctly ascertained by us. Under these circumstances, were we authorized or bound to proceed in the business for which we were commissioned?

We proceeded. We renewed the proposition made at Broken Arrow, as detailed by our Journal. What was there to prevent our proceeding? Of the sufficiency and authority of those present to make a treaty, we entertained no doubt? What was there to excite a doubt? Had we entertained one, it would have been removed by the conduct of the Agent. He knew the persons of the Indians present. He knew whether they were chiefs, and of what *grade*. He addressed them as a *competent treaty making body*, and confirmed to them the truth of what we said. He told them that the President wished them to sell their lands and remove beyond the Mississippi. That it was *his* (the Agent's) wish also, because it was the President's wish, &c. I think I may safely say, that, at this stage of the negotiating, if we had paused or doubted in fulfilling our commission, we should have deserved the severe censure of the Government of the United States, and the just contempt of the People of Georgia, for whose essential benefit we had been delegated on this business. If, indeed, it had been a fact that we were aware of a doubt of the character and authority of the assembly of Indians, by being told that they did not represent the nation; that, among the persons attending, very few were chiefs, and those of low grade; then, indeed, it might, with some plausibility, be said, that we ought, at least, to have hesitated until we had satisfied ourselves of the truth of the suggestion.

But, although the Agents and officers of the Government were present, whose especial duty it was, as well for the purpose of preserving the character of the Government from imputations of fraud or immorality, as to protect the Indians from being defrauded of their rights, to have given information, or suggested doubts, on these points, no word is uttered, and no warning given.

If, notwithstanding these circumstances, it should still be the opinion of the President that we were treating with an incompetent representation of the nation, I think he will at the same time admit that *we* were the persons imposed on and cheated, and not the Indians.

In our subsequent conduct there was nothing which deserves reprehension. We did not precipitate a conclusion of a treaty.

After submitting our propositions, we advised the Indians "to consult among themselves, and give the subject a full and dispassionate consideration." On the same evening, all the chiefs present, as we understood and believed, with the exception of the Tuckaubatchie deputation, and perhaps two others, did meet in a council of their own, and discussed the subject fully, "as we were informed, and have no doubt." "A vote was taken, and was *unanimous*, with exception of two inconsiderable chiefs, in favor of a cession." After they had decided, they *came in a body* to the quarters of the Commissioners, and communicated the result of their consultation. They were under no restraint. It is here necessary to state one or two facts *within my own knowledge*, whatever may be the credit which may be attached to them. Stedham, the Sowagalo Chief, came with this crowd, and told us in English, that he had agreed to cede the land, and remove over the Mississippi. On that evening, many of the Cussetas, the Old Chief, Tuskenchau, at their head, said, through interpreters, the same thing. On the next day, this same old chief, Tuskenchau, came to our room to procure some articles for a sick associate, and then again repeated, through an interpreter, that *he had taken the President's talk*, to cede lands, and go over the Mississippi. In short, the assent of the Cussetau Chief, as well as that of the Chiefs from all the other towns. *Tuckaubatchie excepted*, was as fully expressed, and as well understood, as was that of the chiefs from Cowetau, or McIntosh himself. Up to this moment, it should be remembered that no presents or "*douceurs*," worthy of notice, had been distributed or bestowed.

It is true, however, that we made known to all with whom we conversed, that the Government had placed at our disposition a considerable sum, in the distribution of which we should, *according to custom*, not be illiberal, in case the Indians should accede to the wishes of the Government as expressed through us. We conceived ourselves authorized to use this language, as well from the *amount* of the appropriation, and the terms of our instructions, as from our knowledge, derived from undoubted information, of the usages of the Government in similar cases.

If there was crime or error in it, we must submit to the censure which they deserve. But I forbear further remarks on this topic at this time.

Such, then, was the state of things on the evening of Thursday,

February 10, 1825. I express the confident opinion that, on the succeeding morning, (11th) we might have had a treaty signed by all the Chiefs present, (inclusive of the Cussetas,) with the exception of the Tuckaubatchie deputation and two or three others. Our error, and perhaps on a fair examination it might be said, *our only error*, consisted in not doing so on the morning of the 11th February.

But we were desirous of fully accomplishing the wishes of the Government as expressed by the President and Secretary of War to Col. Campbell, and as afterwards expressed by the President in his message to Congress of the ——— January, 1825, and which, before this time, had reached us at Indian Springs; we were desirous of procuring the accession of the Tuckaubatchie deputation, and the two or three other Chiefs who held out in opposition with them, and thus procuring a cession of all their lands in Georgia and Alabama.

Relying confidently upon the words of those who had acceded to our proposition; believing that neither Old Tuskenchau, or Stedham, or any other Chief, would lie in council, or retract an engagement once made; entertaining no fears that they would break their promise solemnly and deliberately given; we conceived it politic to defer the *mere signing of the treaty*, until we could make another effort with Big Warrior's deputation; yet we took care to warn them at our meeting at 12 o'clock on the next day, (the 11th) when they were *all present*, and before any had left the ground, "that the nation appeared to be fully represented, and that, if any of them thought proper to leave the place before the business was closed, they (the Commissioners) should conceive themselves fully authorized, and carry on and conclude their negotiation with those who remained." It will not escape the notice of the President that this warning was addressed to the *same* council, composed of the *same* persons, without a solitary exception within my knowledge, as that with which we commenced our proceedings, on the day previous, *and to which* the Agent had made his speech or talk. The Agent and Interpreter were present when this warning was given, and, certainly, then was the proper time to have notified us that our warning was useless: for that, if any of the Chiefs departed, the council would be broken, and our treaty with those who remained would be void. He said not a word by way of notice, or disapprobation, or advice. At this time, the Cusseta Chiefs were present, and expressed no change of sentiment, and it was after this warning that Old Tuskenchau renewed his assurance that he had "taken the President's talk," as before mentioned, in my presence.

During that day, (the 11th,) we conferred *privately* with the Tuckaubatchie deputation, making a fruitless effort to remove their objections—was this right or wrong? They remained firm, constantly recurring to the orders they had received from their head Chief, Big Warrior, to cede no lands. In the mean time, in conference with McIntosh and other Chiefs, we agreed upon most of the details of the treaty. We had information that such was the course pursued in other treaties, (see evidence of Doctor Meriwether.) They were not finally adjusted, when, on Saturday morning, (the 12th,) we were told that the Cussetas and some few others had left the ground—Stedham went with them.

What, under the circumstances, were we to do? I shall not disguise from you, Sir, that I felt our situation to be embarrassing. I knew the deep interest which the Government of the United States, and the yet deeper interest which the State of Georgia felt in the happy accomplishment of the object of our commission. We had encountered and surmounted difficulties which would have deterred more experienced negotiators; we had proofs, leading to irresistible conviction, that the Cherokees, (with whom we had lately failed on a similar mission,) the Indian traders, Indian countrymen, nay, the officers of the Government itself, had been opposing our operations, and, by their active exertions rendered formidable by their local situation, had greatly counteracted our measures. Instead of finding in the principal Agent, an active associate, we found an individual possessing, by his official station, an undoubted influence, occupying an avowedly neutral position, from which nothing but a positive order, to which I think he yielded a most reluctant obedience, could drive him. We had circumstance upon circumstance, proving the intrigues and machinations of the enemies of Georgia, not to say of the United States, in order to defeat a successful result. From the first, we had no doubt but that the upper towns, (those in Alabama,) misled by these enemies, would warmly oppose a treaty. We had heard of, and seen, the proceedings of the upper town Chiefs at Tuckaubatchie and Pole Cat Springs, made with the express view to counteract the wishes of the Government. All those difficulties we had overcome, and obtained the assent of the whole council present, the *Tuckaubatchies* and two or three others excepted. The *Cowetas* had consented to a cession; so had the *Cussetas* in the most explicit manner. The *Talledegas*, with the exception of one Chief, the *Hitchetas*, *New Yoccas*, those from *Sandtown*, *Big Shoal*, and *Tleatchka*, (*Broken Arrow*,) nay, *Stedham*, from *Sowagalo*, who so actively interfered afterwards to defeat what was his own act, had all consented to our main proposition. We had warned the whole council not to depart until the business was concluded, otherwise we should proceed with those who remained. At this period, the *Cussetas* were induced to go away in the night. Were we to stop proceedings? or was it our duty to proceed in the work given us to be done by the Government?

The reasoning upon which we finally determined to conclude the treaty, was as follows: We were satisfied that, at the commencement of the negotiation, the nation was represented. We had every evidence of that fact which we could have in negotiating an Indian treaty. The number of persons present was sufficient. They came from every part of the nation, including that which refused to cede. They presented themselves in the characters of *Chiefs and Head men*. They met in council as *such*. The Agent recognized and addressed them as *such*. No objection was made to their sufficiency, until after the assent of a vast majority was obtained to the leading stipulations of the treaty, and then only by *Poethleyoholo* in the manner stated in our journal. After the departure of the *Cussetas*, a large majority of those who attended at first, still remained. They (the *Cussetas*) did not depart

until after they had solemnly assented to our propositions, or, as they expressed it, "taken the President's talk," and until we had notified the council that a departure of any of them, before the conclusion of the business on which we were sent, would not prevent us from concluding a treaty with such as remained. We had no doubt that they had been miserably deluded as to their true interest, or their fears alarmed by an annunciation of dangers that never existed. My opinion has been confirmed by subsequent inquiry and information. We knew that their assent to the proposed treaty had been given without "intrigue," bribery, or threats, on our part. We resorted to no intrigues, unless argument and persuasion be called such; we used no threats or menaces; and neither gave or promised them bribes, unless the annunciation of the fact before mentioned, that we were supplied with funds from which we felt ourselves authorized to make liberal presents as had been customary, be considered a promise of a bribe. Those who remained, the Tuckuabatchies excepted, were willing to reduce to writing, and sign that which they had previously promised in conjunction with the Cussetas. Even after the departure of these, neither the Agent, nor any others, suggested the idea that such as remained were an insufficient council. If, in our opinion of its sufficiency, we were in error, however neutral the Agent might have been in his feelings, he was bound, both as an honest man, and as the officer of the Government, to have made an effort to undeceive us. So far from it, I solemnly declare I never heard a word from him, to myself or any other, as opinion, advice, or warning, as to the sufficiency of the council remaining. Knowing the efforts which had been made there before to prevent a treaty, and the influence of those from whom they proceeded in the nation, we believed that as strong an expression of consent from the nation as that we had obtained, was not probable at any future period. The terms of the treaty agreed on were extremely liberal and highly beneficial to the Indians themselves, more so, probably, than those of any other treaty which had been made with them. Under these views, we formed the opinion that the interest and the rights of Georgia, the interest, the policy, and the obligations, of the United States, the interests of the Indians themselves, and the solemn dictates of duty, required us to execute the treaty; and *we did execute it*. Even when it was signing, no objection was made to any signer, but one; and the Agent himself attested it without repugnance or the expression of a doubt. The signature of every Indian present, except the Tuckaubatchie deputation, and a few others before alluded to, could have been obtained had we required it, and there yet remained on the ground more than two hundred. We received such a number as was, in our opinion, sufficient to show the assent of the council present.

Such is a succinct history of the making of this treaty. If I have been compelled to repeat the same ideas, or to rely upon facts within my own knowledge, not contained in the evidence, it is because I deemed it necessary in defence of my conduct and motives. I proceed to notice some of the particular objections to the treaty.

1st. It is said that the treaty was made by the Representatives of only eight towns, when there are fifty-six in the nation. To this I will remark, in the first place, that this is a miserable attempt to delude the Government. Since I first saw the Agent's letter, laid before the Senate with the treaty, I have inquired of those who ought to know, and have become satisfied that there are not fifty-six towns in the nation, unless, indeed, small villages and settlements composed of a very few houses, be called towns. But, supposing it to be so, it is demonstrable that it is not necessary that all or even a majority of those should be represented, in order to compose a council capable of transacting public business and signing treaties. Take the case of that assembled by us at Indian Spring.

I think I have shewn that, on its first assemblage, this was a *competent Council*, and *was so recognized by the Agent himself*; and yet, from the best inquiries I can make, I am confident that the number of towns from whence the Chiefs came, did not exceed twelve or thirteen, to wit: Tuckaubatchie, Cusseta, Coweta, Thle-catch-ka Hitcheta, New-yo-coo, Talledega, Sandtown, Big Shoal, So-wag-a-lo, Uchee, and perhaps two others, whose names are not recollected. Osweet-che had no chief present, unless Stedham, of So-wag-a-lo, be so considered. And yet the chiefs so assembled were a legal Council.

Again: Examine the signatures to the treaty at Indian Springs, in 1821, and it will be found that not more than one from the upper towns signed it. Yet, that treaty has never been impeached.

2d. It is said that "McIntosh was induced to sign, and *compelled* his adherents to sign, the treaty, by large *douceurs*, or bribes, offered or given to him by the *Commissioners*, at the same time remarking that he had forfeited his life in doing so, under the laws of his nation." On the first branch of this assertion, I speak with confidence. No bribe or *douceurs* was offered to induce him to sign, otherwise than as I have stated, nor did we give him a dollar as a *douceur* or bribe to induce him to sign. After the treaty was executed, McIntosh and other chiefs, whose names can be furnished when required, received, at the hands of the Commissioners, considerable donations, in money; and, in our presence, he distributed a large sum given by us to him for that purpose, among the Indians in attendance.

All proof, representing the bestowing of these presents otherwise than here stated, is *false*. What I did, I am willing to admit; and, before the President, Congress, and the nation, am prepared to justify it by *precedent*, by *policy*, and by our *instructions*.

As to the second branch of this objection, I observe, that McIntosh never did use the expression attributed to him in my bearing, nor did I hear of it, until I met with it in Mr. Andrews' report.

In this declaration, I have no doubt I shall be supported by the evidence of Col. Campbell, and our Secretary, Mr. Hay; to the character of which last, even Major Andrews, with all his disposition to destroy reputation, cannot find an objection.

As I was present and saw McIntosh sign, and heard and saw all that passed, and did not hear him make this remark, either in English, or by an Interpreter, I am disposed not to believe in its truth.

3d. But it seems I "committed" myself by signing a joint note with McIntosh, for goods, "before visiting the place at which the treaty was made." Yes, Sir, I *did* sign a joint note, for between \$500 and \$600, with McIntosh, before I arrived at the Indian Springs, and feel so little compunction for it, that I can even spare a portion of my pity for the man who would attempt to impeach my veracity or general character, by perverting one of the most innocent acts of my life. I shall simply relate the motives by which I was impelled to this act of *commission*, and leave the President to judge of it as he pleases. At Milledgeville, McIntosh applied to me for money to buy goods. Under our instructions, I conceive I could, if I had chosen, have ordered to him the amount he required, out of the funds placed at Col. Campbell's and my disposition.

I did not think it right thus to dispose of the public money; yet I did not wish to offend McIntosh, upon whose aid and influence, I confess, I placed much reliance, in negotiating a treaty. I had long known his character, entertained no doubt of his solvency, and had no fears that he would throw upon me the burden of the note. I knew he possessed the *means*, and I believed he possessed the *will* to pay his debts. Under the circumstances, I thought it better to lend him my individual credit, than the public money, and signed the note in question with him. After the treaty, he paid into my hands the money, with which I discharged the note. Such are the facts, on which I make no comment.

It is said that this treaty was made in violation of a *law* of the Creek nation, and the inference is, that it is void on that account. The law here alluded to must be either—1st, the Tuckaubatchie and Pole Cat Spring proceedings; or, 2dly, that alluded to by Pothleyoholo, in one of his talks at Indian Springs, wherein he says, that "what is not done in the public square, in General Council, is not binding on the nation;" or, 3dly, that more recently gotten up in order to justify the death of McIntosh. In relation to all those laws, it is first to be observed, that the authenticity of the whole of them is denied by the Indians who made the treaty. The first and third are such as the Government of the United States would itself not permit to have validity, because they are at war with its policy, and tend to defeat a compliance with its engagements. Upon the first, the Executive Department of the United States did, in fact, put its *veto*, by dismissing Walker, who was active in attempting to procure their adoption, and authorizing us to renew our negotiations in the face of them. Of the second, we never heard, until it was mentioned by Pothleyoholo, at Indian Springs, and there its existence was denied, and that denial supported by reference to precedents. The Agent gave us no notice of any such, and, like ourselves, met and addressed the Council at Indian Springs, as one authorized to make a treaty. This he would not have done, had he known of such a law, and he *ought* to have known of it, if any existed. Of the third, we never heard until the death of McIntosh. But I go further, and say, that, had the Agent himself informed us of *all* of them, I should have disregarded them, and have told the deluded

beings who had been led to adopt them, that the United States could not recognize their validity. In fact, such was the manner in which we treated the first at Broken Arrow, and our declaration was admitted, or, at least, not denied. We felt authorized to do so by our instructions, and, indeed, adopted the language of the late Secretary of War, in his letters to Governor McMinn, or Col. Meigs, in relation to similar proceedings by the Cherokees. If in this we were not correct, then it would be well, by a solemn act, to recognize the independence of these tribes.

The expression *attributed* to McIntosh, that he had forfeited his life under the laws of his nation, no doubt has reference to one or all of these laws; and hence, it is argued, arises the reason of promising him protection in the treaty. Let us suppose, for a moment, the existence and validity of such laws. If, at the urgent solicitation of the Government, in violation of them, he agreed to a cession of land, then it was proper that the Government should not only *promise* him protection, but afford it also. The fact is, however, that, at Broken Arrow and Indian Springs, he *denied most positively* the existence of the two first, and, of the last, we have no doubt he was as ignorant as we were. As to the reasons by which we were influenced in promising protection against the "whites and all others," they are already before the world. McIntosh did not ask it, for the treaty making party, because they had violated any law of his nation; nor did we promise it on that account. But he believed, and frequently expressed that belief to us, that he had enemies who would seek his life on the slightest pretence. Nor was he backward in telling who those enemies were. They were to be found among the Indians hostile to the United States during the late war, whom he had so severely chastised by his prowess in battle. They were to be found in Big Warrior, (his competitor for power and influence in the nation,) and his adherents in the Upper Towns. They were to be found in the Cherokees whose vindictive hatred he had excited by not uniting with them in resisting the wishes of the Government of the United States and the people of Georgia. They were to be found among the Indian countrymen, and the licensed traders and tavern-keepers. Lastly, they were to be found, as he *openly and emphatically* insisted to us, in the *principal Agent and his assistants*.

Had we even thought that his suspicions were unfounded, I know not whether it would have been proper to have withheld a promise of protection when solicited by him. But, in truth, we *did* not believe that they were unfounded. Of one thing there is no doubt, and that is, that not only McIntosh and Etomme Tustunnuggee, who did sign the treaty, but Hawkins, who did *not*, have been *murdered*, and from the utter *indifference* manifested on the occasion, as may be seen in the whole body of the evidence, it will be decided by posterity, if not by the present generation, that his suspicions were *just*, and his apprehensions of danger by no means visionary.

That the money was stipulated to be paid to the "emigrating party," and not to the nation, admits of ready explanation. Such as did



not emigrate were not in justice entitled to any part of it. It was asked, and promised, to pay them for the improvements they were about to relinquish, for the expenses of their journey, or, as expressed in the treaty itself, "as an equivalent for the loss and inconveniences" they would sustain by removal, and "to enable them to obtain supplies in their new settlement." Under this view, those who would not *emigrate*, had no claim upon the money.

Nothing has yet occurred to prove to my mind that Col. Campbell's estimate of the number of the Georgia Indians, or of those who were believed to be willing to exchange their lands, was too great *at the time it was made*. That they are not *now*, or were not when Mr. Andrews drew his report, as numerous as they were when Colonel Campbell made his estimate, is by no means wonderful. The Indians are not remarkable for a pertinacious adherence to *their* party, or *their principles*. During the late war, there is no doubt but that a vast majority of the Nation were *hostile*, while those who remained friendly, were a "little treaty-making party." At present, scarcely one can be found who will admit he was of the hostile party. Yet no one will contend that they were all destroyed. The truth is, a fear of the powers of the Government wrought a wonderful change in their sentiments.

Their changes of opinion, on the recent occasion, may be attributed to similar causes. I yet entertain the confident belief that Colonel Campbell's estimate was not too large; and had the Agent, and his Assistants, and the *Special Agents*, despatched to the nation during the past year, have held with them a different language; had they told to the opposing party that complaint was fruitless; had they forbidden the exercise of violence, or punished it when it was manifested; had they taken McIntosh and his adherents by the hand as the true friends of the United States, I confidently venture the opinion, (and if Mr. Andrews can be tolerated in giving a mere *opinion* as to probabilities, I presume I may be also,) that the estimate of Colonel Campbell would have been found correct with an accession of numbers.

But how different was the course pursued: McIntosh, and all friendly to the treaty, were denounced as traitors. The Commissioners of the United States are charged with bribery and corruption; and the treaty declared to be the work of intrigue and treachery. The Indians do not want sagacity to discover in what direction the current of favor, proceeding from the officers of the United States, is setting. To those acquainted with their character, no surprise is excited by the rapid diminution of those originally included in Colonel Campbell's estimate.

It is asked, by what right we included a part of the Alabama lands in the cession? I answer, that these considerations induced us, 1st, because a part of that territory was represented in the council. The whole of the chiefs of Talladega, one of the most considerable Indian towns in Alabama, with one exception, agreed to a cession. 2d. That the nation was competently represented by those with whom we commenced our negotiations, as I have attempted to shew; and,

sd, because, by cutting them off from the Cherokee nation, the removal of the whole tribe, and of the Cherokees also, would be rendered more probable, and greatly promoted. These reasons are submitted without comment.

The additional article appended to the treaty two days after its signature, concerning the reserves, is adverted to, for the purpose of invalidating the treaty, and impeaching the Commissioners. A few words, it is believed, will give a satisfactory explanation of this article: Under the treaty of 1821, McIntosh claimed two reservations, both of which were under lease for a long term of years. That at the Indian Springs, though not valuable for its soil, had become a place of great resort, because of the mineral quality of the waters, on which account considerable improvements had been made; the other was a valuable tract of land on the Oakmulgee.

The leases upon these reservations had to be purchased before the Indian title could be extinguished; the lessees demanding prices possibly somewhat greater than their value.

For both reservations we stipulated to pay \$25,000; out of which, to my knowledge, McIntosh had to pay his lessees, Bailey and Ectors, the sum of \$13,000. The nett sum obtained by him, was therefore \$12,000, a sum it is believed considerably short of the value of the lands at the time of making the treaty.

Had we failed to extinguish his title to these reserves, we had no doubt their increasing value would have increased the cost, and again imposed upon Congress the necessity of making an appropriation, as in a former case, for their purchase.

But the next charge made by Mr. Andrews against the validity of the treaty, which I shall notice, is that stating, that "it would appear, from the affidavits of Captain Triplett, Colonel Hambly, John Winslett, Samuel Srells, and Joseph Hardage, that the 5th article of the treaty of the Indian Springs, which places two hundred thousand dollars at the disposal of the Commissioners who effected the treaty, has been *surreptitiously* introduced into it, inasmuch as it was *never read or interpreted to the Indians who signed the treaty*, or those who were present at the signing." Although this heavy charge is introduced with an "*it would appear*," by the way of a salvo for the witnesses, or for other ingenious purposes, hereafter to be developed, it is yet brought forward in a shape which is tangible, and will enable the President, or Congress, or the nation, or other tribunal to which it may be referred, to decide according to the credit given to the testimony on either side, *who is to be believed*; and upon that decision, probably, will the validity of the treaty depend, in the opinion of the deciding tribunal.

Among the witnesses here enumerated by Mr. Andrews, are two, (Triplett and Hambly,) upon whom he has bestowed unbounded praises. Major Andrews, himself, admits, that, before the making of the treaty, the standing and character of Colonel Campbell and myself were highly respectable.

I state then, in the most explicit terms, that this article of the treaty was in the order in which it stands, and immediately before the

*signing commenced, distinctly and plainly read in the presence and hearing of the Interpreter, (Hambly,) and of those who were present at the reading of the other part of the treaty : and although I cannot say it was interpreted to the Indians, because I do not know the Creek language, yet I can say that the Interpreter (Hambly) understood it, and seemed to interpret it ; and that, if a fraud was committed about that, it was committed by Hambly, and not the Commissioners.*

Here, then, is an issue formed, the affirmation being with me ; and, in order to support my statement, I refer you to the testimony of Col. Campbell, and our Secretary, Mr. Hay, and the affidavit of Doctor William Meriwether, my brother, who is now dead, but who made his affidavit *after* hearing that such evidence had been collected by Mr. Andrews, in anticipation of his own death, which, from his situation, he found would happen before it could be taken more formally. To these I am ready to add my own affidavit, which Major Andrews shall see sworn to if he chooses. I say nothing about Stinson's affidavit, who has sworn to the same fact. This may impose upon the President a delicate task, yet it is one not of difficult performance. The characters of all are known. It has so happened that circumstances have made all the persons named on my part, extensively known in Georgia. I refer to no names. The President may apply to any man of respectability in the State of Georgia, whether friend or enemy, to whom we were known, for their characters. Nor should the President feel any difficulties on this subject. It is a trial of the *credibility* of the most material witnesses sworn on this occasion. If, in that trial, it appears that *we* are unworthy of credit, then neither the President, or any one, should regard any thing urged, or said, or sworn to, by us. If, on the contrary, we are to be believed, then will he be enabled to estimate the character of the testimony against us, and of the *Special Agent*, by whom it was collected.

There were many other of Mr. Andrews' sophisms, upon which I was desirous of remarking ; but I am sensible of the propriety of closing this communication, unembellished and rude as it is, if I should desire its perusal. The necessity of extending it is also lessened by my remarks as to the last objection noticed. I claim the indulgence of the President, then, until I make a few observations in regard to the management of the funds placed by Government at our disposal. The first I shall make is entirely personal to myself.

Situated as I was, at a considerable distance from any bank, I had no safe place of deposit for the funds transmitted to us. On this account, therefore, even when urged by Colonel Campbell, I refused receiving into my custody any considerable portion of them ; but insisted that, as he lived in the immediate neighborhood of a branch of the State Bank of Georgia, of which he was a Director, that he should receive the money, and deposit it there, or in some Bank more convenient for disbursement. Accordingly, the whole of it has come to his hands in the first instance. From the commencement of our operations, therefore, under the commissions and instructions given us, I have never had more than about \$ 1,500 in my possession,

at any one time, unless when actually engaged in company in our duties ; nor did this remain but a short time in my possession. This statement will be supported by a circumstance, of the truth of which you can be satisfied by turning to most of our accounts, which have been made out and returned by Colonel Campbell, individually. My impression, from memory, is, that I aided in making up only one of those accounts. You will be better satisfied of it by the admission of Col. Campbell, in our exposition already published. I am under the belief that this was not unknown to Mr. Andrews, and, if so, nothing can more plainly exhibit the strong prejudice under which he acted, than his blending the *Commissioners*, when he speaks of the management of these funds.

The amount of four appropriations, first and last, has been placed in our hands. 1st. The sum of \$ 30,000, to hold a treaty with the Cherokees. The negotiation failed, as you know, and, consequently, but a small amount of it expended, for which the account is rendered.

2d. The sum of \$ 50,000, appropriated to purchase the tracts "reserved" to the Indians by the Cherokee Treaty of 1819, and by the Creek Treaty at Indian Spring, of January, 1821. This duty was performed. The account of the disbursements made by us has been rendered, and the balance unexpended, now under the control of Col. Campbell, I am authorized, by my last conversation with him, to say, is, and always has been, ready, and awaiting the order of the Government.

3d. The sum of \$ 50,000, appropriated to hold the treaty with the Creeks. This amount was constituted by the unexpended balance of the appropriation first named (about \$ 27,000) and a sum in addition thereto, sufficient to make \$ 50,000. Out of this we defrayed the expenses of the late treaty, "including those of our commission, issue of provisions, and *presents* under our orders, and such preliminary expenses as the Agent may be authorized to incur." (See our instructions, 16th July, 1824.) The only limitation put upon our discretion, in regard to these expenses, was, that they should not exceed the appropriation of \$ 50,000. The accounts of the disbursements under this appropriation have also been rendered by Colonel Campbell, showing, after all the clamor of intrigue, bribery, and corruption, an unexpended balance of about \$ 13,000, which, I am in like manner authorized to say, is, and always has been, ready, and at the order of the Government.

4th. A draft on Branch Bank of the United States, for \$ 200,000, issued under the appropriation of —, of the last session of Congress, to pay the first amount stipulated in the late treaty. This draft reached Colonel Campbell's hands in April. I never saw the draft. In order for its negotiation it was necessary that mine and Colonel Campbell's names should be endorsed on it. It being inconvenient for him to see me, and meeting with my brother, the latter, to enable Colonel Campbell to negotiate the draft as soon as possible, took the responsibility, after consulting a friend, to endorse my name on the draft ; a responsibility which, subsequently, and as

soon as I saw my brother, *I sanctioned and approved*. The draft was negotiated, as I have understood and believe, through the agency of McKenzie and Ponce, a mercantile house, at that time as responsible and respectable as any in Augusta. Of this sum, a portion has been expended, for which an account has been rendered by Colonel Campbell; and the residue would speedily have been paid to the Indians, but for the orders of the War Department, directing us to suspend its payment, and to pay the sum to General Gaines.

I have no doubt the unexpended balance, amounting to about \$191,000, has been paid to General Gaines. I have recently learned, through the Second Auditor, that General Gaines has given to Col. Campbell *no receipt*. But General Gaines is at present in the city, and from him it can be known, if it is not already known, whether he received the money.

5th. The sum of \$25,000, transmitted under the same appropriation of last year, to pay for McIntosh's reserves, according to the additional article of the late treaty. This sum has been paid, and, I presume, the account rendered to the proper officers.

Major Andrews' report abounds with insinuations, and what he is pleased to term proof, of the misapplication of these various sums. I beg leave here to say, that I have no knowledge of the misapplication of any portion of them, and that *I never did*, directly or indirectly, authorize or sanction the application of them, or any part of them, to other than the legitimate objects for which they were placed in our hands: nor was I ever applied to for such sanction or authority.

It is said that \$10,000, of some of these amounts, were advanced to Colonel Williamson, for the purpose of *speculating in negroes*. I have understood and believe, that Colonel Williamson, during the time that these moneys were at our order, did purchase a parcel of negroes in South Carolina, (whether for speculation or his own private use, I know not, nor do I care :) But I have also understood, from a most respectable source, and believe it can be proven, that the moneys with which these negroes were bought (and it is to these that I understand the charge to apply) was procured by a draft of the house of McKenzie & Ponce, of Augusta, (given not to the credit of any part of those public moneys,) on a house of Fitzsimmons, in Charleston. Of one thing I am sure, that I never authorized any sum out of the public money, or otherwise, to be advanced to Colonel Williamson for the purpose of buying negroes, and that I have no knowledge of Col. Campbell's having done so; neither do I believe he ever did.

It is said that the public money confided to us was used in mercantile speculations. I presume this charge has relation to the \$200,000 above mentioned, the draft for which was negotiated, as I am informed, by Colonel Campbell to the bank of Augusta, through the agency of McKenzie and Ponce. I have no knowledge that such was the fact. It may be true, however: for I shall not deny that reports of this kind have reached me; but I know that, if true, it was done without my consent, knowledge, or approbation: and, no doubt, Sir, you are now satisfied that the unexpended balance of this sum, as soon

after your order as was practicable, was, as before stated, paid to Gen. Gaines. The inference to be drawn from this fact is, by no means, favorable to the truth of the reports, or evidence in question, especially as it was known in Georgia, for some time previous to its payment, that McKenzie and Ponce, who are said thus to have used the money, had become embarrassed.

Major Andrews introduces into his report the following remark : " Documents are now in my possession, *not connected with the present investigation*, which, however, show, that, in the purchase of *one* of the reserves which the *Commissioners of the late treaty* were authorized to purchase, the sum of fifteen hundred dollars was to have been given for it ; that title deeds were given to the *Commissioners*, but that the claimant, up to this time, has received but six hundred dollars of the amount, and has sought after the balance in vain from the *Commissioners*." Nothing can more conclusively show the malignant prejudices and partialities of Mr. Andrews, than the introduction of these remarks, into his report on the trial of the Agent, seeing that they were " not connected with the present investigation." It shows conclusively, that the *investigation* of the Agent's conduct, as conducted by him, has been a mere *farce*. Major Andrews *felt himself* engaged in the investigation of the *Commissioners'* conduct, and not that of the Agent.

But, Sir, I never did, and never will, shrink from the investigation of any portion of my *public* (and, I hope I may say, without vanity,) or *private* conduct. You are at liberty to pursue the investigation of this business to any extent you please, and I venture to affirm, that, so far as my *agency* goes, you will find the facts to be as follows :

The reserve alluded to, I presume, is that of Micee Barnard, held by him under the Indian Spring treaty, of 1821. The instructions under which we were authorized to purchase those reserves, were received previously to the commission under which we made the treaty. I, at one time, made an effort to purchase this reserve ; but the price demanded was so great, that I refused the offers ; not long after this, I resigned my commission to negotiate with the Cherokees, under which these my instructions were given. My *resignation* is, or ought to be, in the War Department. Col. Campbell subsequently made the purchase, from the authorized agent of Barnard. The title deeds may have been given to a Commissioner : but [not] to the Commissioners. Such was my agency in this business. I have no doubt but that Col. Campbell has made a satisfactory communication to you on this subject, as regards his acts, and to that I refer you.

In concluding these remarks upon Major Andrews' report, which I am willing to admit are imperfect, I shall not disguise from you that my anxiety, as to the result, is most painful. I had hoped that my public life would be passed without reproach, though I never entertained the vain expectation of making it brilliant. From my parents, I inherited but little more than an honest name, and my greatest solicitude has been to preserve that inheritance untarnished. It has been my good fortune to obtain the confidence of the People of

Georgia on more occasions than one, and by their last act of kindness and favor, I have been selected as one of their Representatives in the councils of the nation. The two commissions which I have named, were conferred upon me without solicitation, and without the prospect of other reward than the pleasure derived from the faithful discharge of a public trust. Though unfortunate in the first, I was not without hope, that the successful result of the last—a result which, I cannot doubt, was in accordance with the wishes of the Government, and with the instructions under which I acted—would have obtained for me, at least, an acknowledgment of an honest zeal, faithfully to do my duty. Of this poor consolation, I feel that I am about to be deprived, by the insinuations of a man whom I know not, and who never knew me! Were this trial of my character to be had among those to whom my past life was known, I should not fear the issue.

But it is to be had before a tribunal to which I am as much unknown as to my accusers, and from whose decision there is no appeal. A tribunal created by *whom*, or of *whom*, I am utterly ignorant. It may be the President, it may be Congress, it may be the nation; but, be they who they may, I appeal to their justice, and not their humanity.

I am, Sir, with great respect, &c.

JAMES MERIWETHER.

Hon. JAMES BARBOUR,  
*Secretary of War.*

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*Secretary of War to the Creek Deputation.*

DEPARTMENT OF WAR,

10th January, 1826.

*To Opothleyeholo, and others,  
Delegates from the Creek nation:*

**FRIENDS AND BROTHERS:** Your Great Father, the President of the United States, viewing you as his children, and being anxious for your peace and happiness, has directed me again to call your attention to the late treaty of the Indian Springs. This would have been sooner done, but he waited to hear from Georgia in regard to your proposal to make the Chattahoochy the boundary. and give up the country East of that river. The answer was received yesterday, and the offer is rejected.

I have heretofore explained to you the embarrassing circumstances in which your opposition to the treaty has placed your Great Father. Upon the one hand, the treaty has been made and ratified by his council; and, as matters now stand, he is bound to carry its provisions into effect. Upon the other hand, you not only protest against any measures being taken towards fulfilling its provisions,

but ask for its annulment, whilst Georgia demands its execution. Under such circumstances, your Great Father, who is the friend of peace, and anxious for your prosperity, is desirous of obtaining at least so much of your assent to that treaty as will secure to Georgia all the lands within the chartered limits of that State. You will see in this new effort to urge upon you a compliance with this proposition, the great anxiety of your Great Father for your peace and prosperity. You are too well acquainted with the past, not to know how utterly impossible it is for the red and the white man to live and prosper together. Look at the present reduced state of the Indian population in every State in which, as a People, you were once numerous and powerful. In the place of thousands, you see only a few scattered bands, and these are fast disappearing. Is there any thing in the constitution of the Creeks, or their Government, to save them from a like destiny? But how disheartening is your prospect, even more so than was that of other tribes, once even more numerous than yours, when you look at the present and contemplate the future! The fires of discord are lit in every part of the country you now inhabit. Your quiet is disturbed, and your People bend before the blast which is thinning your numbers, like the wind in Autumn, which scatters in all directions the leaves of the forest. Will you still cling to your purpose of living among these disquieting circumstances, with every thing to convince you that you are fast approaching the same state of the thousands who have gone before you, whose situations were, comparatively, so much more likely to preserve them than is yours? I wish to impress it upon you, that you owe it to your children to pursue that policy which will not only be best for you, but for them also. I consider you in the light of intelligent men, and, therefore, it is that I reason with you; I know you have hearts that cherish a warm attachment for your children, and, therefore, I would point to you the way for their happiness.

You have yourselves expressed a willingness to make the Chat-tahoochy the boundary. Of what avail to you would be the little country that would remain beyond? You might retire to it, but would Georgia be satisfied? Would you not be subject there, to the same embarrassing consequences, which would produce, like they have in former times, and among other tribes, your extinction as a race? Why, then be so blind to your own interests?

But there is another consideration which you cannot, as a high-minded People, be insensible to. There is indulged towards our Indians a feeling of great kindness, not only by the Government, but by our citizens generally. It is wished to place them all as a People in situations where they shall no longer be subject to the causes which have operated hitherto to destroy them, but where they may live and flourish, and, under a Government suited to them, enjoying places of honor, and trust, and profit. The opportunity is now offered to you to take a lead in this great work. It would become the Creek nation to do so. Why not, therefore, be the first to take this step in the way which is pointed out to you?



But, when your present very perilous condition is viewed, the obligation appears binding on you to do so. The treaty has been made and ratified. The compact with Georgia presses upon your Great Father; but there is no such compact with regard to any other section of country. It is to this I am directed specially to call your attention. You have been told that your Great Father has no power over this treaty. All that remains for him to do, is to execute its provisions. He reasons with you, and counsels you. He wishes to see you do well. His advice is given with the best feelings. If you resist it, he cannot answer for the consequences. Upon the other hand, if you approve and will act according to his advice, you will entitle yourselves to his special protection and friendship. You will, in addition, be paid for your country, and have one given to you, in its stead, in all respects suited to your prosperity. There is too much of reason in this proposition to authorize a belief that you will reject it. By acquiescing, you have a bright prospect before you, and every thing to gain; by rejecting it, your destiny, viewed in regard to the present question, is dark and doubtful; certain, however, as to the wasting away of your People, like the nations which once lived like you, but are now no more!

I wish your answer as soon as you can think well upon the proposition; and that you bring it in person, as it is my wish to see you all before you return to your homes.

I am your friend, &c..

JAMES BARBOUR.

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*Creek Deputation to the Secretary of War.*

BROWN'S HOTEL, Washington, 16th January, 1826.

HON. SECRETARY OF WAR.

FRIEND AND BROTHER: We have perused yours of the 10th instant, in which, by order of the President, you urge our acquiescence in the proposition which demands the surrender of all our lands in the chartered limits of Georgia. Too well, and with an able tongue, have you painted the degradation of the Indian race, and the cause that impels the last remnant to the goal of their final extinction.

If, in the womb of the United States winds are confined, and, at their pleasure, a tempest can be raised to disperse the Indians, as winds in Autumn drive before it the leaves of the forest, cannot they now, when all are nearly blown away, stem the torrent, and permit the few to live on the soil that gave them birth? We thank the President for his parental regard, and we hope that, as children, he can love us as well East of the Mississippi, as in the wilds West of that river. Speaking of our race, you observe, "in the place of thousands, you see only a few scattered bands, and these are fast disap-

pearing. Is there any thing in the Constitution of the Creeks, or their Government, to save them from a like destiny?"

This is an important question, and we only can observe, that, when civilization shines on a nation, they generally grow in knowledge and in number. Look at the Cherokees, who are not only becoming civilized, but religion illumines their hearts, and they worship the Great Spirit in the same way as you do. Their population is increasing. The Creek nation has long been in darkness, but now the first rays of civilization gilds their forests, and two missionary stations, like stars in the night, are seen by the Muscogee nation, and their benefits are already enjoyed in the heart's anticipation.

We believe that we, as a nation, are also gradually increasing in numbers. But if, in the awful destinies of the Great Spirit, we are doomed to melt away from the face of the earth, may we not be permitted to mingle our ashes with the dust of our ancestors on our own soil, bestowed on us by the Master of Breath?

As we have so far agreed to surrender our lands to the Chatahoochy, you ask, "of what avail to you would be the little country that would remain beyond. You might retire to it, but would Georgia be satisfied?"

Georgia would not be satisfied, we know from what has passed. It is our policy to secure a natural boundary, as we are convinced that a dry one would not do. Our property would be exposed to continual depredation from Georgia, and theirs range over into our country, for which the Georgians would impeach our citizens as the cause. The land of itself, is not of so much value as if it was located East of the river. As it is acknowledged that this portion of land West of the river is comparatively trifling, why cannot the Georgians be satisfied with the possession to the Chatahoochy? If it is any accommodation to the Government, we will, after the base treaty is annulled, cede to them all the lands East of the Chatahoochy, for a reasonable compensation. If the Georgians refuse to settle upon and take possession of it, the compensation can be withheld.

We claim our country by a firm title; our fathers discovered it; we have it by possession and inheritance; and our boundaries are defined by treaties made with yourselves. We cannot acknowledge the right of a self-important King of England to give away lands he never saw, and in the possession of a race placed there by the God of Heaven.

If this title is not good, and who can say it is not, and if the People of the United States are anxious for our preservation, let them protect us as they have promised in treaties, and permit us to flourish in our own climate, and place within our reach "*places of honor, trust, and profit.*"

As the decision of Congress is of vital importance to our nation, we wish to be permitted to remain and witness the result.

Our presence, we know, would be of no effect in our favor, but we wish to be saved from the pain of returning with an empty mouth. What report could we render to our council and head chiefs of our

nation? This request is officially made to our Father, and we hope that he will permit us to remain and see our destiny fixed. If it is not agreeable to him, and if he determines to send us away, we, as the representatives of the Muscogee nation, demand the annuity due our nation from the Government, to be paid in our hands.

We are your friends and brothers,

Opothle Yoholo, his x mark.  
 John Stidham, his x mark.  
 Mad Wolf, his x mark.  
 Yoholo Mico, his x mark.  
 Tuskekee Tustenuggee, his x mark.  
 Menawee, his x mark.  
 Charles Cornels, his x mark.  
 Apauli Tustenuggee, his x mark.  
 Coosa Tustenuggee, his x mark.  
 Timpoochy Barnard, his x mark.  
 Nahethce Hopie his x mark.  
 Ledagi, his x mark.  
 Selocto, his x mark.

JOHN RIDGE, *Secretary*,  
 DAVID VANN, *do*.  
 WM. HAMBLEY, *P. L.*

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*John Ridge to T. L. McKenney.*

WASHINGTON, 18th January, 1826.

COL. MCKENNEY.

FRIEND AND BROTHER: Your private letter to me, I received on yesterday, it is in these words:

"You know me; I am your friend, and the friend of your people, and of all red men. I need not refer you to proofs; they are to be seen in your own country, in the schools there, and in all my acts. I can, therefore, feel at liberty to speak *freely* to you. The Secretary of War does not know any thing of this; it is my own unofficial act. What I have to say is this: advise Opothleyoholo to *write a few lines to the Secretary, authorizing him to propose to his Great Father the small variation suggested by the Secretary, from the great bend in the Chatahoochy, following the Creek (Cedar creek, as it is called on the map,) to where it strikes the Cherokee boundary. It is a small thing, but it may lead to peace, and a settlement of differences. If possible, send up the letter by the bearer. I do not know that it will be accepted, but it is worth the trial. I advise you in the sincerity of my heart, and for the good of my friends and brothers the Creeks.*

Your friend and brother."

This delegation is composed of the choice men of their nation, and, as patriots, are second to none in the world. They were particularly instructed to secure the natural boundary, which they have attempted to do. A letter of the 1st instant was yesterday received, which urges them to be firm on their proposition. This they were determined to be previously.

Governor Cass had made large promises to them at Baltimore. Colonel Crowell has been assiduous in urging, by all means, to prevail with them to yield to the wishes of the President, so much so, that he has altogether lost his influence with them.

Major Hambly, in his attempt to co-operate with the Agent, is injured, and the delegation had authorized me to wait upon the Secretary to notify, that they would shake hands with the President, and start home. Such was the state of things when your letter was handed to me. I was convinced that the Secretary of War had conducted the negotiation [with] ability, and was disposed to do them justice; but, on the other hand, I was acting in the confidence of the Creek nation. Mr. Barbour's question, "is it worth the hazard to risk all, by not yielding the little strip of land West of the river?" came with force to my mind. Your friendship has prevailed, and Mr. Vann and myself have attempted to convince them of the duty of this delegation from the least possible uncertainty, as to their destiny, to secure it. They have agreed, if the President will accept the proposition of Mr. Barbour, to make the arrangement. Mr. Vann and myself are authorized to agree with the Secretary on the articles of the treaty. If the President will authorize the Secretary to make this arrangement, we are ready to commence the work; if not, we must shortly leave, and let the world witness the result. This delegation have no secrets to hide, and what they have already said to the Government, you may rest assured to be strictly the fact. If they, the President and the Secretary, will make the arrangement, I am glad to have it in my power to close with them on the conditions which have been suggested, as the Delegation is not in a condition to talk on a subject which excites their hearts to bleed.

Whatever arrangement is made, it will be done by the delegation from a full conviction that it is best, all things considered, for them to do so.

I am your friend and brother,

JOHN RIDGE.

*T. L. McKenney to John Ridge, Secretary, &c.*

DEPARTMENT OF WAR,

*Office Indian Affairs, Jan. 19th, 1826.*

TO JOHN RIDGE,  
*Secretary, &c. &c.*

FRIEND AND BROTHER: On the receipt of your note, conveying the assent of the Chiefs to the basis proposed by the Secretary of War, and that no new difficulties might arise from errors in the map of the United States, which was before the Secretary on the day of his last council with the Chiefs, I procured what is considered to be a correct map of Georgia. I find there is no delineation of a creek called "Cedar Creek" upon it, and that the map of the United States is wholly incorrect. There need be no difficulty, however, on this point, as you know the proposition of the Secretary was, to follow the Chattahoochy to the Great Bend, then *some creek near that bend*, (should there be such a one,) till it should intersect the Cherokee boundary. The map of the United States referred to by the Secretary, places a water course, and calls it "Cedar Creek," just in that position, but, as I have said, erroneously.

The basis, in point of fact, therefore, is the same, and if you esteem it so, a negotiation will be opened upon it.

I am, your friend, &c.

TH. L. MCKENNEY.

*John Ridge, Secretary to the Creek Deputation, to T. L. McKenney.*

WASHINGTON, January 19th, 1826.

Colonel THOMAS L. MCKENNEY.

FRIEND AND BROTHER: I have just now received yours of this date. Having explained to the Chiefs your proposition, I regret that there should have been any mistake in the map. But I have succeeded in convincing them that the explanation you have given does not vary the principle. Mr. Vann and myself will call and examine the Georgia map, and point out upon it the lines that will define the extent to which we can *possibly go*.

I am your friend and brother,

JOHN RIDGE,  
*Secretary Creek Delegation.*

*Hon. J. Meriwether to Secretary of War.*

REPRESENTATIVES' HALL,

3d February, 1826.

SIR: I have the honor to transmit, herewith, a reply to Major Andrews' report, by Col. Campbell, which reached me a few days since; I also enclose the affidavit of Mr. William F. Hay, our Secretary, as to the assent given by sundry chiefs to the treaty with the Creek nation, of February last.

I have the honor, &c.

JAMES MERIWETHER,

HON. JAMES BARBOUR.

*Affidavit of Wm. Hay.*

STATE OF GEORGIA, }  
Wilkes County. }

Personally appeared before me, a Justice of the Inferior Court, of the county aforesaid, William F. Hay, who, after being duly sworn, deposed as follows:

Deponent saith, that he was present with, and acted as Secretary to, the Commissioners, Duncan G. Campbell and James Meriwether, Esqrs. who held a negotiation with the Creek Indians, at Broken Arrow, in December, 1824, and who concluded a treaty with said Indians, at the Indian Springs, in February, 1825. Deponent being now called on, and requested to disclose his knowledge touching certain matters, which transpired pending the negotiation, saith—

At the Indian Springs, in February, 1825, all who were connected with the negotiation, had reason to notice, with accuracy and concern, the occurrences which happened.

Our arrival at the Springs was on the 7th, (Monday,) but no council was formed until Thursday, the 10th. On that day, the talks of the Commissioners, the Agent, and the Chiefs, were delivered and returned, as stated in the Commissioners' journal. On the next day, the Council and Commissioners met, and proceedings took place, as also stated in the journal. It was on this day, in the evening, that a private Council was held by the Indians themselves. Upon breaking up, they came in great numbers to the quarters of the Commissioners. The Cussetas, generally, seemed to be in company. Deponent particularly remarked their head chief, old Tuskeehau, and also a chief from Soogo-loo town, Col. Stedham. General McIntosh seemed greatly elated at the general consent which the chiefs had come to, in their private Council, to cede their lands; he stated, particularly, in Stedham's presence, that Stedham had come over, and was now a friend.

He stated further, and publicly, that all who were in the Council of Thursday, had agreed to sell, "but Billy Barnett." It was stated and understood, that, at this Council, all attended except the Tuckau-

batchee delegation of seven or eight. Those who thus visited the Commissioners, remained for some time, and appeared free and friendly. The next day, in Council with the Commissioners, a long session was had, and the Commissioners endeavored to satisfy the Tuckaubatchees of the propriety of assenting, as all the rest had done, and great pains were taken to explain to them the whole grounds upon which the application was made. A discussion then commenced amongst the chiefs themselves, in which McIntosh, Old Tuskenehau, Stedham, and Marshall, took part, in favor of a treaty, as was understood and stated by those who comprehended the language.

Poethleyoholo, Yoholomico, and one or two others, spoke on the other side. On the night after this proceeding, the Cussetas and Stedham secretly departed from the place.

WILLIAM F. HAY.

JOHN B. LENNARD, J. I. C.

10th January, 1826.

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*Colonel Campbell to the Secretary of War.*

WASHINGTON, GEO. 20th January, 1826.

SIR: Under date of the 14th August last, I had the honor of addressing the Department from this place, upon the subject of different topics relating to the Creek treaty, remarking, that, "as every thing connected with the treaty, both anterior and subsequent to its obtainment, seems to be undergoing revision, partly official, and partly by individuals of assumed authority, it was not perhaps to be expected by the Commissioners, that their proceedings would pass unquestioned. The official proceedings, as far as they have been had, at the instance of the Government, we presume have been reported. Some of these have been disclosed, and have received a construction to our prejudice. That we may be enabled to vindicate ourselves before the Government, as whose Agents we have accomplished important measures, and from the responsibility of which we do not seek to be exempt, permit us to ask that we may be furnished, as speedily as possible, with copies of all the documents within the control of the Department, which bring into question our proceedings in the late negotiation, as being inconsistent with justice and universal usage." In your answer of the 19th September, it is stated, that my "request for copies of the documents will be complied with, as soon as such an examination of them can be made, as to enable me to distinguish those embraced in the designation, from those which are not." Yours of the 26th of October, accompanied by the report of the Government's Special Agent, Major Andrews, reached my residence, after I had left there for Milledgeville, upon a tour of duty as a representative in the Legislature, from the county of Wilkes. I did not obtain possession of these documents until the

"Exposition" of the Commissioners concerning the treaty had been prepared and delivered to the printer, and was undergoing publication. By that document, "there is not a single position *worthy* of notice, in the labored" *defence* of the Indian Agent, prepared by his judge, "whether it relates to the conduct of the Commissioners, or to the circumstances attending the formation of the treaty, which is not fairly met, and fully refuted." That evidence, together with the "mass" already before the Department, and such as I have had it in my power, under the most pressing engagements, to procure, I trust will be found satisfactory to any and all tribunals, whose office it is to administer justice.

The circumstances under which my attention has been drawn to the report of the Special Agent, have been such as to preclude the opportunity of even a minute examination of the document itself. Much rebutting proof, therefore, could not be reasonably expected. In fact, the furnishing of proof at all, would seem to be wholly gratuitous, for the Commissioners are conducting no *prosecution*; neither are they so charged as to be put upon a formal *defence*. As the proceedings of the Commissioners, however, are in a situation to be affected by the report, it may be proper to give it some notice.

It is impossible for the most common observer to read that instrument, without being struck at once with its most distinguishing feature—a predetermination on the part of the Reporter, to arrive at a certain conclusion, and, of course, to make all the means subservient that end. Commencing with an affected gravity in the use of a theoretic sentiment of a writer on the law of evidence, he proceeds in the most obvious departure from legitimate construction, pronouncing on the proofs, on the one hand, the most unmerited censure; and on those, on the other, the most undeserved approval. He early abandons the position of *Special Agent*, and assumes to himself the office of *Special Advocate*.

In the proceedings of the Special Advocate, he attempts to evade the force of the testimony which I gave when called to testify against the Indian Agent, by a committee of the Legislature of Georgia, in May, 1825. In a part of that deposition, I detailed part of a conversation which passed between the Indian Agent and myself, in November, 1823. I then stated, that that conversation was had "just after the Commissioners had returned from an unsuccessful mission to the Cherokees; that we had both been disappointed in our wishes and calculations as to the result of the Governor's election, and expressed to each other that disappointment, in terms of feeling and regret. In the course of the conversation, we spoke of the prospect of a negotiation with the Creeks for a cession of territory. The Agent observed, that he had had the thing fixed, and, I think, added, we should have got the land below the Federal road. He advised me to resign my appointment as United States' Commissioner, intimating that the result of the election had operated a change in his feelings in that regard."

The Special Advocate decides against the verity of this my deposition, on the grounds that the Agent "most positively asserted to him,



that no such conversation ever took place ;" that (according to his quoted theory) "the first and lowest proof, is the oath of one witness only ;" and, upon a course of reasoning, and upon collateral facts, more fallacious, if possible, than the two first grounds of his decision.

Let the "positive assertion" of the Agent, and the credence given to it by the Advocate, pass for what they are worth ; and let the "theory" of the "celebrated writer," be disposed of in the same way. The reasoning which has been adopted, and the additional facts attempted to be adduced, will receive a closer consideration. Pursuing the "report" in its own order, a letter which I addressed to the War Department, on the 28th November, 1823, is examined and relied on, as containing evidence, rebutting what I afterwards testified to before the committee. I stated, in that letter, that, "from information derived from McIntosh, and since confirmed by the Creek Agent, the prospect (as to getting land) in that quarter is much more favorable." This letter was written, as it purports to be, some time after my interview with the Agent at Milledgeville. The Advocate concludes, that such an interview and conversation could never have occurred, else such a letter could never have been written. If he had looked further into the same deposition, he would have found the justification for the expressions contained in that letter. I stated, first, that the indications afforded by McIntosh were *favorable*, and that these favorable indications were confirmed by the Agent. If he "had had it fixed," so that "we should have got the land below the Federal road," I certainly had a right to regard this as a "*favorable prospect*." But it further appears, and in the same deposition, that he plainly intimated "that the result of the election (for Governor) had operated a change in his feelings in that regard ; that he advised me to resign," &c. These are the "*effusions of the moment*," which, *at the time*, I did not consider as evidence of "*settled hostility* to the interests of Georgia, and the policy of the General Government," or of a disposition "*decidedly* inimical to a cession of territory by the Creeks." His idle shrug, and his unmeaning imprecations, were well calculated to induce the belief, that he uttered but the effusions of the moment. But when these expressions came to be contrasted with what ought to have been his convictions of his duty, it was no great exercise of charity to place upon them the construction which I did, and still retain a confidence, that, (if these were his only objections) he would "afford us all the facilities in his control," when we commenced the business of negotiation. Whatever may have been the strength of his prejudices against Governor Troup, they were not altogether unlike my own ; but the manner in which we permitted them to operate, I trust, was wholly different. It may not have been true, that "he had had the thing fixed, or that we should have got the land below the Federal road," but I doubt not he might have enabled himself to have spoken truly, and to a greater extent.

Another letter is quoted by the Advocate, addressed by me to the Agent, on the 27th July, 1824. 'Tis stated that this letter com-

monces in "endearing terms," and that, in the close of it, I expressed a happiness "that an acquaintance would authorize a free discussion of all matters connected with the proposed subject," (the treaty.) The objection I take to be, that I should have addressed the Agent as "*Dear Sir*," and proposed the free discussion of a subject of immense moment to Georgia and the General Government, and which he was greatly concerned, or ought to have been, in discussing, and placing it in that shape that the object might have been most easily attained: or, in other words, that I did not commence the negotiation in a quarrel with the Agent, as the Advocate commenced his career in a quarrel with the Governor of Georgia.

Another letter is noticed, addressed by me to the Secretary of War, under date of 8th August, 1824. It seems that in this also, I have expressed myself in terms of approbation of the Agent, by calling him "intelligent and communicative," and of intimating a confidence that "he would afford all the facilities within his control." Such was my estimate of the Agent at the time. I thought him *intelligent and communicative*, and hoped that he would do his duty in the approaching negotiation; his disappointments and his prejudices to the contrary, notwithstanding. I take leave to retract.

Again: reference is had to a letter, which I wrote to T. T. Triplett, on the 24th of August, 1824; adventitious consequence is attempted to be given to this letter, by the manner in which the Advocate obtained it, and the affected solemnity with which he treats it. Mr. Triplett is represented as handing it in with great diffidence, impelled only by a sense of justice, to assist in the "defence of an injured man." This bears, very strongly, the semblance of a volunteered apology. The person to whom that letter was addressed, knows very little of what is confidential, and still less is he capable of appreciating its obligation. The first is evinced by the letter itself, and the second, by the character of the man. There is nothing confidential in the one, or meritorious in the other. On another occasion, the Commissioners had intrusted the making of a contract for rations, to the Cherokee Agent, Col. Meigs, and he had executed it with promptness and fidelity. The same arrangement was spoken of in the contemplated negotiation with the Creeks, and we were directed to correspond with the Agent upon the subject. I knew that Triplett was an applicant: for he had so informed me at this place, in company with the Agent, about the middle of August. After their departure, W. L. Campbell made an application to me, and, by the letter in question, I referred him to Triplett, who resided at the Agency; and, as I understood from both, they united their interests in the matter of the contract, whether it was let by the Agent or the Commissioners themselves. Both offered sealed proposals when the contract was left, and neither succeeded. But, herein again, I am charged with the inconsistency of sending my friendly remembrance to the Agent, and of treating him with individual and official kindness. Such a course was politic, justifiable, and even *consistent*, at the date of that letter. If the tendency of the Agent's feelings was unfavora-

ble to our prospects, it was well to conciliate, and win him over to his duty. But the period had not yet arrived, in the which the Agent had "dishonored himself, by the exposure of the most disgraceful motives which could actuate a public officer;" such *exposure*, to be sure, had an inchoate existence, in my mind, from the date of the conversation in November, 1823, but was suspended, to be controlled by future events; and these events had not occurred.

The report further brings into view, a letter which I had the honor to address to the Secretary of War, on the 14th January, 1825, when on a visit to Washington City, upon the subject of the treaty. The Reporter seems to regard that, as a fit occasion to have made known every thing which I possessed, in relation to the Agent, and that, "in justice to the United States' Government, and in justice to the Government of Georgia," a full disclosure should have been made. He adds "that, if such a conversation had been made apparent to the President, it would, no doubt, have produced the immediate removal of the Agent, as an act of justice to the State and Governor of Georgia." I believe that I should be as far from doing an act of injustice to the United States' Government, as the Reporter himself, and from doing such act to the Government of Georgia, I *know* I should be much farther. I am, therefore, wholly insensible to the intended rebuke. For myself, I never doubted the disposition of the venerated individual, who administered the Government at that time, to do justice to every State and to every person; but, whether the *removal* of the Agent would have been the consequence of a full disclosure of his conduct, is a matter which nothing short of the extraordinary sagacity of the Reporter, could possibly determine. But, in this same letter, from which the Reporter has quoted, I state, distinctly, that "I regard the impeachment of an individual, of official delinquency, as matter of delicate import." I had been an eye witness to Walker's perfidy. I knew that he had identified his interests with those of the Indians, by marrying a native; and that, if he would, he dare not do his duty. I therefore sued for his removal, and effected it. I had heard the expressed disapprobation of the Government, at the conduct of the Agent in his assumed neutrality, and knew that his future course would be dictated by authority, and not left to his crude conceptions, warped by interest or prejudice. I knew that a special message to Congress, upon the subject of the removal of the Indians, had been promised me by the President, and that it must have its influence. I knew that, with all these aids, we should be authorized to renew the negotiation at a time and place of our own appointment; and I confidently believed, that, with such aids, our success was certain. Walker removed; Crowell reprimanded; the President reiterating his benevolent policy; none but Chiefs to be convened, and at a place where they would be less exposed to the beguilings of intrigue and perfidy; I regarded the *reprimand*, as relating to our purposes, as better than a *removal*. With the one, I was satisfied we should succeed; with the other, we should have encountered delay. Under the influence of these considerations—in eager pursuit of an important ob-

ject, and seeking, at any inconvenience, the means of effecting it—I did, from motives of policy, as well as forbearance, on the 14th January, 1825, withhold from the Department, the conversation I had with the Agent, in 1823, although the same was still “on my memory.” The policy has proven itself to have been good: for with the Agent’s co-operation, sparing as it was, we did succeed; but the *forbearance* is shown to have been exercised towards one who was unworthy of it, at least, from my hands.

In the next paragraph of the report, the Commissioners are called to answer, jointly, for a courtesy which they extended to the Agent, on the 8th February, 1825, at the Indian Springs. In their note to him of that date, they are *detected* in saying that they should “recommence proceedings as soon as the chiefs arrived; and that they should expect a free and unreserved intercourse with him, during their progress.” This was in answer to the Agent’s note, of the same date, in which he made a proffer, *in obedience to his instructions*, of his *cheerful co-operation* in obtaining a treaty. We were willing to be furnished with this evidence of his conversion, although it was the result of “*works*,” and not of “*faith*,” and to admit him, as a new convert, to all the privileges of orthodoxy. The doctrine, however, being so interruptive of his worldly arrangement, soon became irksome and intolerable, and we find him, on the 13th, recording his own apostacy, in a letter to the Department of War.

The Reporter proceeds to another view of the testimony, which I gave before the Committee of the Legislature. He says, I relate the conversation which passed between myself and the Agent, “with the prelude and cautious expression *I think added*.” If there be any thing of prelude or caution in the words, I beg leave to limit and confine them to that portion of my deposition, for which they were exclusively intended. To the words then “*I think added*,” I would append the words, “*that we should have got the land below the Federal Road*.” According to *belief* then, and now, too, he designated that particular portion of territory. That the Agent advised me to resign, and that he intimated that the result of the Governor’s election had changed his feelings, with respect to a treaty, may be taken without the incumbrance of the “*prelude and cautious expression*,” and in a form as positive as it could be made, by the *heartly emphasis*, and vehement gesticulation used by him at the time of utterance. The Reporter, pursuing this part of his defence, and as he, no doubt, imagined, with most extraordinary sagacity, inquires what it was that Colonel Crowell wished me to resign. I took the advice, to relate to my appointment as United States’ Commissioner. I held none other at the time. He knew that I had just returned from a negotiation with the Cherokees, as United States’ Commissioner, and we were speaking of the prospect of making a trial with the Creeks. The advice to resign, therefore, could have had reference to nothing else but the appointment of Commissioner. But, it turns out, that this conversation was had on the 6th November, 1823, and I was not commissioned to treat with the Creeks, until 6th July, 1824. The appropriation made by Congress, in 1822, was to hold treaties with the

*Creeks and Cherokees* for land, for the use of Georgia. Our first commission and instructions, were to negotiate with the Cherokees. These are the facts; and what is the conclusion, which the Advocate draws from them? Why, that as I held no commission to *treat with the Creeks*, I could not be advised to "resign;" and that, therefore, the conversation of the 6th November, 1823, could never have taken place. A much more legitimate conclusion would have been, that the Agent, knowing the *tenor* of the appropriation law, supposed the *tenor* of our commissions to be the same, and that we were then Commissioners, having authority to treat with the Cherokees and Creeks *also*. The one conclusion involves me in a deliberate perjury; the other, involves the Agent in an excusable ignorance of a particular fact. But even to this imputation, his Advocate could not permit him to be exposed. Let the unprejudiced judge, whether there be most corruption in the affidavit itself, or the manner in which it has been re-examined. But the Advocate, in the fertility of his genius, and the ardor of his partizan zeal, to acquit the Agent, finds another, and, to himself, a satisfactory apology, for discrediting both Commissioners, as relating to this conversation. He cites it as a "safe maxim in life, that any evidence, however imposing, affecting to disclose what must have been a *confidential conversation*, if it ever took place, should always be received with more or less caution." Unless the term "confidential," has some occult meaning, best known to parasites and courtiers, then have I not violated any of its obligations. I take it to be a "*maxim in life*," equally "*safe*," *when under oath, man is under paramount obligation to disclose the truth*, even though the discomfiture of an Indian Agent may be the consequence.

The report next proceeds to "examine the reasons of the Commissioners, for attaching importance to a conversation which they, at first, viewed as proceeding *from the excitement of the moment*." The reasons examined, are contained in our affidavits, taken before a Committee of the Legislature, and already in the possession of the Department. But these are of a substantive character, in mere continuation of the evidence which the conversation disclosed. The point of inquiry was, whether the Agent was opposed to a treaty. My belief, and the reasons of it, were asked. I believed that he was, and gave the reasons which my affidavit contains. I might have added my belief, that, with him, no conviction of *duty*, could overcome his feelings of interest; and that such was the monopoly enjoyed by himself and his immediate adherents, in the Creek nation, and such the extent of their profits, that they were determined not to be interfered with, even by the Government that placed him there. I repeat, that the declarations of the Agent to me, on the 6th of November, 1823, on the evening of that day, near Huson's tavern, were then, and long after, regarded as "*the effusions of the moment*," in so far, as they intimated an opposition to a treaty, because of Governor Troup's success. But they afterwards changed character, and, from momentary effusions, became the pretenses of determined purpose. I say the *pretext* of determined purpose, because I do not *now* believe, that such motive was more than secondary. He, no doubt, had the folly to sup-

pose, that such feeling might have found acceptance, and that, thereby, the true grounds of his opposition might be kept concealed. But, the report asserts that, notwithstanding the neutrality assumed by the Agent at Broken Arrow, in his *official conduct*, that yet "it is shewn, by a *great mass* of testimony, that he did advise the Indians, *unofficially*, to consent to a treaty." Having none of the fruits of the Reporter's labors before me, except the report itself, and the depositions of Williams and Lamar, I am unable to say what composes the "*mass*" of testimony, which establishes the unofficial co-operation of the Agent, at Broken Arrow. The Agent's own declarations negative the statement, let the mass consist of what it may. In his address, by compulsion, at the Indian Springs, on the 10th of February, to the Chiefs, he advised them to cede, and stated "that the reason why he had not given the advice at Broken Arrow, was, because he was not instructed to do so, and did not, therefore, consider it to be his duty." These are the words of the wary Agent, taken down at the time, read to him afterwards, and recognized as his own. The distinction between *official* and *unofficial* advice, is too minute to have been taken by the Agent or his Indians, but is aptly within the scope of defence, as resorted to by the Advocate. Duty being departed from, some apology was thought necessary. There could be no hesitation in manufacturing one, particularly as there was a corps of regular witnesses always at hand, ready to furnish a "*mass*" of testimony in support of any position which the exigencies of the defence might require. Great credit is claimed in the report for the Agent, on account of the co-operation which he manifested at the Indian Springs. The Commissioners' Journal shews to what extent he co-operated with them in effecting a treaty. His co-operation with others in defeating one, I have no doubt, were much more earnest and extensive.

The report next undertakes to supply the true reasons of the failure at Broken Arrow. While *we* ascribe that failure to the busy and faithless forestalling efforts of Walker, sanctioned by the Agent, and aided by a host of underlings and dependents, the report accounts for it by the *manner* in which the negotiation was conducted. In answer to this insinuation, I beg leave to refer the Department to the Journal in its possession, kept by the Commissioners, from the 1st to the 17th of December, 1824, inclusive. I am a stranger to perseverance, if it is not there manifested, and, to the course of reasoning best calculated to convince savages, if it is not there shewn to have been resorted to. The fact is, that, by that course, we had convinced the missionary, and even the Agent himself, but never heard of any "*unofficial*" advice being volunteered in behalf of the United States and Georgia.

All were convinced, but remained of the same opinion, firm in their determination of adhering to the edicts of Tookaubatchie and Polecat Spring: resolved "never to cede another foot of land," but to "perish among the tombs of their fathers." The Commissioners knew whence this idle doctrine was derived, that it was not as general as it appeared to be, and that it could be overcome, but in no way so effectual.

ally as by overcoming its authors. This was done by the trip to Washington City, and, accordingly, when we again convened in a council of between three and four hundred, only seven are to be found maintaining the opposition, and this under "order" from Big Warrior, the father-in-law of the exasperated, removed Sub-agent.

The Reporter next proceeds, like some of his witnesses, "with great reluctance," "to speak freely of an instrument which had become a supreme law of the land." In answer to so much of the report as consists of the "free reluctant" animadversion of the Reporter upon the treaty, I beg leave to refer to the "exposition of the United States' Commissioners in relation to the treaty concluded by them with the Creek Indians," a copy whereof is hereto annexed. This last document to be sure is not supported by the frail props of sixty or seventy affidavits of Indians, Indian countrymen and their accomplices, like the report, but may be safely relied on as not less authentic.

I shall also omit the notice of such parts of the report, as relate to the testimony of my colleague Major Meriwether. That gentleman is now in your presence, enjoying the highest confidence of his fellow citizens, and having little to apprehend from such puny assaults.

The Reporter here concludes the "examination of the testimony given by the two gentlemen who acted as Commissioners in forming the late treaty," and proceeds to "notice various testimony which appears to cast a doubt on their motives in testifying against the Agent, and to implicate the Commissioners themselves as honorable men and faithful public officers."

The first item, in what a prostituted advocate of a delinquent Agent, considers a black catalogue of charges against the Commissioners, is the affidavit of John H. Brodnax. This merely states that a deputation of Indians with McIntosh at their head, were about to proceed to Washington City, and with these the Government might have made a treaty, and saved the expense which we incurred at the Indian Springs. This deputation had set out without knowing what had transpired between myself and the Government. When they reached Milledgeville, they heard of my return, and immediately put back to the Springs, where we met the nation about the 7th of February, and concluded the treaty.

The next item is introduced with an acknowledgment on the part of the Advocate, that "it is not connected with the present investigation."

I am the more surprised that it was not introduced with a protestation of "*reluctance*;" this being the cant phrase under which some of his witnesses disguise their knavery. The documents which I now here transcribe, and which I have before forwarded, will form the best refutation of this part of the Reporter's libel.

## DEPARTMENT OF WAR,

*Office of Indian Affairs, October 12th, 1825.*

To Col. DUNCAN G. CAMPBELL.

SIR: A reference is made to the Department by Michee Barnard, or Barnet, of his claim of fifteen hundred dollars for a reservation sold by him, and for which he represents (and sustains his statement by sundry documents,) he has received but six hundred dollars.

It appears by your letter of advice of the 8th September, 1824, that you drew for the sum of fifteen hundred dollars to pay this claimant; and moreover, that the said draft was paid on the 2d day of October following. I am directed by the Secretary of War to request such an explanation of the case, as will enable the Department to give the proper answer to the applicant in behalf of said Michee Barnard.

I have the honor to be, very respectfully,

Your obedient servant.

THOMAS L. MCKENNEY.

MILLEDGEVILLE, 20th November, 1825.

SIR: I have lately received from Colonel Thomas L. McKenney a request that I should furnish to the Department an explanation of my proceedings in the purchase of Michee Barnard's reservation of land. I had expected, before this time, to have met my brother, Walter L. Campbell, at this place. He has not yet arrived, and I am only able to give a statement, which I intended should have been affirmed by his affidavit.

W. L. Campbell resided in the immediate neighborhood of the reservation occupied by Barnard until the time of the sale. He was Barnard's agent, acting under letter of attorney, and, in August, 1824, proposed the sale. Major Meriwether had visited the place and furnished the description, which enabled me to estimate the value. Fifteen hundred dollars was the price agreed to be given. I prepared the deed, inserting the consideration on the face of it, and sent it to Barnard for execution. Having negotiated a draft in Augusta in September, I attended at this place in the same month, received the deed, and paid over the full sum of fifteen hundred dollars. The original receipt, taken at the time, accompanied the account heretofore forwarded. At Broken Arrow, in December, Barnard complained that he had not received all his money, but acknowledged that he had received nine hundred dollars. I gave him a letter to W. L. Campbell on the subject. I know not who the "applicant in behalf of the said Michee Barnard" is, but if he belongs to the Agent's Department, I doubt not but that the fact was well known to him, that every cent of the purchase money had been paid to Barnard's authorized attorney, and I have as little doubt of the motive which induced a reference of the matter to your Department.



W. L. Campbell received the amount, and if he owes Barnard any thing, he is able to pay it.

I have the honor to be,

Sir, very respectfully,

DUNCAN G. CAMPBELL.

The Hon. JAMES BARBOUR,

*Secretary of War.*

MILLEDGEVILLE, 11th December, 1825.

SIR: Since I addressed you from this place, on the 20th ultimo, my brother, Walter L. Campbell, has made me a short visit, and gives to the matter of the purchase of Barnard's reserve, the explanation which you will find in the enclosed papers. The originals are retained, for the reasons disclosed in the affidavit forwarded; but, if required by the Department, will be immediately sent on.

It will not be difficult for the Government to discover in this transaction, something worse than the malignity of one of its Agents, and the willing credulity of another.

The voluminous report of the Special Agent, has been transmitted to me, from Wilkes. After the adjournment of the Legislature, it shall receive my attention, if it shall be thought deserving it.

I have the honor to be,

Sir, very respectfully,

Your obedient servant,

DUNCAN G. CAMPBELL.

The Hon. JAMES BARBOUR,

*Secretary of War.*

*Copy of the letter of Attorney.*

GEORGIA, *Houston County.*

Know all men, by these presents, that I, Michee Barnett, a citizen and subject of the Creek nation of Indians, within the territorial limits of the said State of Georgia, have nominated, constituted and appointed, and, by these presents, do nominate, constitute, and appoint, W. L. Campbell, of the county of Houston, and State aforesaid, my true and lawful Attorney, for me, and, in my name, to sell, dispose, and convey, all my right, title, claim, interest, and demand, in, and to, a certain section of reserved land lying within the limits of said county of Houston, on the waters of Flint river, containing six hundred and forty acres, and bounded as follows: on the West by Flint River; on the North, by fractions 224 and 225, and another of the fifteenth district, of said county of Houston, which is fully shewn by a plan of said district; which section of land was reserved by me, as one of the Chiefs of said nation of Indians, in

conformity with the provisions of a treaty entered into at the Indian Spring, on the eighth of January, in the year 1821, between the Commissioners of the United States, and head men and warriors of said Creek nation. I hereby authorize and empower my said Attorney, for me, and in my name, to receive all moneys or effects, for which said land may sell, and to execute all lawful titles to the purchaser or purchasers of said tract or section of land, as may be necessary to give him the complete and entire control over, and right to, said land. And I hereby declare, that all such acts of my said Attorney, so made and done, shall be as good and valid in law and equity, according to usage, as if I, myself, had personally transacted the same.

In testimony whereof, I have hereunto set my hand and seal, this 11th day of August, 1824.

**MICHEE BARNETT**, his x mark.

Signed, sealed, and delivered, in presence of

**WM. WILLIAMS,  
WESLEY WILLIAMS.**

*Copy of probate on the back.*

**GEORGIA,**  
**Houston County,** }

Personally came before me, Robert Peacock, a justice of the peace for said county, Wesley Williams, who, being duly sworn, saith that he is a subscribing witness to the within power of attorney; and that he saw Michee Barnard set his mark thereto; and that he saw William Williams subscribe his name as a witness thereto.

**WESLEY WILLIAMS.**

Sworn to, before me, this 23d November, 1825.

**ROBERT PEACOCK, J. P.**

*Copy of Receipt.*

*28th January, 1825.*

Received of Walter L. Campbell, payment in full of all demands against him, including a full payment for my right of reserved land, for which, he received payment for me of the United States' Commissioners, in my name.

**MICHEE BARNARD**, his x mark.

**WESLEY WILLIAMS.**

*Milledgeville, Geo. 28th November, 1825.*

We certify that we have carefully compared the foregoing copy of a letter of Attorney, and of the probate thereof; and, also, the above copy of a receipt with the originals which are now in the possession of Walter L. Campbell, but which have been shewn to us and examined, and that the copies are a true transcript of the originals.

THOMAS WOOTTEN, }  
WM. WELLBORN, } *Senators.*

GEORGIA, }  
*Baldwin County,* } ss.

Walter L. Campbell appeared personally before me and deposed, that the originals of the papers of which the foregoing are copies, are retained in his possession as evidence of his transactions with Michee Barnard. He saith that, as said Barnard's Attorney, he contracted for the sale of a reserve of land at the price of \$1500. That he received that sum in full of D. G. Campbell, in the town of Milledgeville, in September, 1824, and gave his receipt therefor. That since that time, the said D. G. Campbell has had no concern or connection with the transaction, but that the same has been conducted exclusively between this deponent and said Michee Barnard.

WALTER L. CAMPBELL.

Sworn, and subscribed, before me, 28th November, 1825.

JOHN BOZEMAN. J. P.

The Reporter, after making the direct charge of improper conduct on the part of the Commissioners in the purchase of this reserve, with malicious artifice, remarks, "whether the same course has been pursued in the purchase of other reserves, or not, he is unable to say, as this is the only case which has come under his observation." He can be informed, that, as respects the Commissioners, exactly the same course has been pursued, in every instance. They made the purchase, took the conveyance, paid the money, and returned the account and vouchers to the War Department. I cannot doubt, however, but, if more cases had occurred in the *Creek* nation, they might have been distorted by a "mass" of evidence, and reported upon in the same manner.

The Commissioners are next charged by the Reporter, upon the affidavits of Captain Triplett, Colonel Hambly, John Winslett, Samuel Srells and Joseph Hardage, with "surreptitiously" introducing the 5th article into the treaty, "inasmuch as it was never read or interpreted to the Indians who signed the treaty, or those who were present at the signing." This seems to be introduced into the report, portentously and with exultation, involving nothing short of the downfall of the Commissioners, and the triumphant acquittal of the Agent. The Commissioners are willing to rest their own destinies, and that

of the treaty also, upon the simple question of whether the 5th article was, or was not read. A slight examination of the circumstances, and comparison of the evidence, I trust will be satisfactory in putting this point to rest. First, as to the evidence of the thing itself. According to all the doctrines of all the opposers of the Treaty, such an article could not have been objectionable to the treaty-making Indians. We say that it was matter of previous stipulation. That it was often talked of and insisted on; that it was matter of perfect understanding; that the payment provided for in that article, was the indemnity for loss of improvements; that it was expressly objected that the Agent, from his opposition to a treaty, and hostility to individuals, would not pursue an equitable rule. These were the reasons for inserting the article. What reason could we have had for omitting to read it? Being inserted for the benefit of the Chiefs, and at their instance, we could have had no fears of offending them, and, at that stage of our proceedings, we did not need the aid, neither did we dread the opposition of the Agent. Under the naked state of the facts then, the article was read as matter of course. But, fortunately for us, there were those present whose affidavits have been taken, and placed by the Executive of Georgia in possession of the Department, and to which I ask that reference may be had. They are the affidavits of Dr. Wm. Meriwether, William F. Hay, our Secretary, and of Stinson. If others have been taken, besides the Commissioners, I am not apprized of it. But these are enough. I would not believe them, to be sure, "against the congregated world;" but against the five witnesses enumerated, and against every other man in the Creek nation, I, and very *unprejudiced man*, would believe them. But it seems that "one or two of the witnesses named do not swear positively;" and that the "evidence is of so serious a character that the Reporter would not have alluded to it," but for the evidence of *Captain Triplett*. This, it appears, is "strong, clear, and positive," and, in the "*opinion*" of the Reporter, "entitled to as much weight as any other individual whatever." I am glad that one individual, whatever may be the value of his *opinion*, places so high an estimate upon *Captain Triplett*, the Sub-Agent of the Creek nation. I should be the more gratified, if, in Georgia, this opinion were not so singular. It is true that the treaty was signed, and all our negotiations conducted in a "room guarded by a door keeper." This was done to keep off intruders and, if we had kept off this witness, it is possible he might have been saved the commission of a very high offence. He was notoriously opposed to a treaty in every stage of the negotiation; boastful of his influence in preventing our making it; and active and zealous in his efforts to break it. This witness dangled at the heels of his patron from Georgia to Washington City, where they arrived previous to the ratification. They had a copy of the treaty in their pockets, and how comes it that neither of them discloses this mighty charge in aid of the Agent's letter of protest, which accompanied the treaty before the Senate?

The story does not keep probability in view, and therefore, carries with it its own refutation. I have only to repeat the request, that the Department may refer to the rebutting proof upon this point. Such testimony, given by such men as Hay and Meriwether, needs no comment.

The next head of the report, purports to embody a great deal of mysterious matter, and contains many subtle allusions, relating to the management of the funds placed in the hands of the Commissioners. There is no subject upon which the world indulges so much jealousy as *the management of public funds by public officers*. Neither is there any department of public life so much exposed to unfounded suspicions, malicious reports, and unrighteous recriminations. Instances might be cited, embracing but a short period of history, of imputed delinquencies, from the highest financial officer of the Government, down to the lowest disbursing servant. These seem to be the choicest weapons of controversy, because when they can be brought to bear, they are considered the most destructive. In this instance, I have nothing to fear from a full development of the whole of my transactions in regard to the funds. The report furnishes three specifications. The report states:

"I add, that it is clearly shown that the whole amount of money placed in the hands of the Commissioners, under that article of the treaty, (5th) two hundred thousand dollars, has been diverted from the purposes for which it was placed by the Government in their possession and used in mercantile speculations."

Again: "The Commissioners, in paying off what money they have paid out, have paid away large amounts of bank paper, which, in Georgia, is at a considerable discount."

Again: "The evidence also, of Micajah C. Williamson, which although circumstantial is strong, goes to show that a part of the money placed in the hands of the Commissioners has been used in the purchase of, or speculations in, negroes, by Col. W. W. Williamson, the relative of Col. Campbell, who is shown to have been in the employ of the Commissioners at an extravagant salary."

The evidence relied on by the Reporter in making these specifications, consists of the affidavits of Joel Baley, John T. Lamar, and Micajah C. Williamson. Having no copy of the testimony of Baley, I knew not its precise import. From the notice taken of it in the report upon this branch of the subject, it seems to limit itself to the fact, that, at the close of the treaty at the Indian Springs, he was furnished with a draft of fifteen hundred dollars upon McKenzie and Ponce, in part discharge of what was due him for supplies furnished during the treaty.

And what does this prove? It may have been the most acceptable mode of payment—a method of transferring funds. We may have had funds in Augusta, or prepared to place them there in a few days; or the transaction may admit of many other inferences just as probable as the one best suited to the purposes of the Advocate—that the funds

were engaged in speculation. On no occasion did we take the entire fund with us, and on any occasion would we have drawn on Milledgeville, Washington, or Augusta, at sight, and have placed funds in these places to have met our drafts.

The evidence of John T. Lamar has reference to the same subject. He states that a "report was in circulation in the upper country, that Gen. Gaines had demanded the \$200,000 of the Commissioners; That difficulties existed on the part of the Commissioners as to the payment of the money; and that the money, or a part of it, had been vested in cotton. Mr. Lamar lives in Macon, (*on the road to the agency.*) He had heard the report, and before the 15th of July: for, on that day, he acknowledged that he had circulated it in Augusta. The essence of the report was, that Gen. Gaines had demanded the money, and could not get it, because it was embarked in speculation. The report was a palpable falsehood, as Gen. Gaines and his aid, Major Butler, can attest: for no application was made for the money until about the 26th of July, and then by Major Butler, at this place. The witness then details his conversation with Mr. Mackenzie on the 15th in Augusta. That conversation is also detailed by Mr. Mackenzie himself in an affidavit hereto annexed. The Department, upon a comparison of the two, in connexion with the circumstances, will be able to arrive at the truth. It would seem that the report was very acceptable to Mr. Lamar, from his having given it circulation in Augusta, and then in Milledgeville three days afterwards, having volunteered his misconceptions to give it confirmation. The affidavit of Mackenzie relates, with perfect fidelity, the history of that fund, from the negotiation of the drafts in Augusta, until their proceeds were passed to the credit of General Gaines at the same place. Thus much in answer to the first specification, for the present. The second is easily disposed of. It is unsustained by proof, and is not true. "In paying off, what money we have paid out," we have not "paid away large amounts of Bank paper, which, in Georgia, was at considerable discount." All our late disbursements have been in State and Augusta bills and specie, except a sum in bills of the State Bank of North Carolina. These were very current *at par*, before and at the time they were paid out, and are so now. I will explain, presently, how this currency came into my hands, and, what benefit has resulted to the Government from the fact.

It yet remains for me to answer the charge: "that a part of the money placed in the hands of the Commissioners, has been used in the purchase of, or speculations in, negroes, by Col. W. W. Williamson."

This charge is *positively* made, but when the proofs are referred to, they are found to consist alone, of the affidavit of Micajah C. Williamson, and this is understood by the Reporter under the "prelusive and cautious expression," that, "although *circumstantial*, it is strong." We will look to the *circumstances*, and then examine their *strength*, as establishing a charge against any person.

The witness states that he was in Milledgeville in March, and saw Col. Williamson on his way to Charleston; witness went, in a few weeks afterwards, to my residence in Wilkes, and found me from home. Upon asking his aunt how much money Col. Williamson carried to Charleston, was answered, if negroes could be purchased upon good terms, he had, or would have, at his command, a draft of twenty or twenty-five thousand dollars, by calling on Mr. Mackenzie; witness afterwards saw Col. Williamson, who informed him that he had purchased negroes, and left them at Richmond Hill, a place belonging to Col. D. G. Campbell; witness afterwards saw some of the negroes near and in Monticello, where Col. Williamson resides, &c. The inference which the witness intended should be drawn, and which it very well pleased the Reporter to draw, was, that I had furnished the means of conducting this expedition to Charleston. But take the whole circumstances, and grant them to be true, exactly as detailed, and they warrant no such conclusion as that which has been drawn. But the fact that such conversation ever occurred at my house, is in no wise admitted. It might receive a negative in the most solemn form, but I know that the Department will not expect it, and will appreciate the motives which dictates the omission.

It appears that this is another of the Reporter's *reluctant* witnesses: that he "gave evidence reluctantly, but having made similar statements with those in his affidavit, to his friends, and being called on to testify to it, and being a man of great integrity and independent feeling, gave his testimony when it was requested." I have quoted the words of the Reporter, and, for the purpose of comparison, will quote the concluding clause of the affidavit. "Witness states, that all the evidence herein given, was *elicited* by verbal questions put to him by Major Andrews, United States' Special Agent, who called on witness for his affidavit. Witness gives testimony in the case reluctantly, being nearly related to both Colonel Campbell and Colonel Williamson." It appears to me that here are contradictions difficult to be reconciled. A witness makes statements, *freely and gratuitously*, to his friends, and then swears to them *reluctantly* on account of the delicacy of the disclosure. Correct sentiment would certainly feel much stronger restraints in the first instance, than in the latter. The one disclosure is wholly voluntary, the other measurably coerced.

But the Reporter declares, that the reason why the witness deposed, was because he had made similar statements to his friends. Now the witness swears that "all the evidence" he gave, "was elicited by verbal questions put to him by Major Andrews." Why all this equivocation and duplicity, but to disguise a deformed witness! The witness takes his affidavit in Crawford county, near the Creek Agency. He had no residence of his own, although he has a family. He had no relation in that quarter to whom he was making a visit, and whose family he might abuse. So far then from his entitling himself to credit for his affected reluctance, he exposes himself to the imputation of having fabricated a story, and having ran off to tell it. I under-

stand that he enjoys the honors of a Creek Nation residence; of these he is altogether worthy, being pronounced by the Reporter, "a man of great integrity, and independent feelings."

It is with reluctance, but not like that of the witness, that I have spoken thus freely of him, and his evidence: for really I have more regret for his degeneracy, than resentment for his crimes.

I will now shew the fallacy of the circumstances, from which the inferences have been so strongly drawn. To do this, I ask that reference may be again had to the testimony of Mr. McKenzie, hereto annexed: and as impeachment of witnesses seems to be the order of the controversy, I refer you to the Georgia and South Carolina delegations in Congress, and to the Vice President of the United States, for Mr. McKenzie's character. He states distinctly the connection between himself and Col. Williamson; the time that it was formed; its object; the amount of capital invested, and the manner in which it was obtained. If corroboration is necessary, I refer to the certificate of Col. Briethaupt, and the letter of Mr. Fitzsimmons annexed to the affidavit, and all in confirmation of each other. I was not dealing in drafts at the time; I had received no intimation when or how the United States' funds would be transmitted.

Some stress is laid upon that part of Micajah C. Williamson's testimony, which defines the route of the property after it was purchased, and brought into Georgia. Shortly previous, the small pox had been carried from Charleston to Monticello, and the country was in general alarm, and very watchful, not only of this property, but of every other passenger from either of those places. Under these circumstances, I had an opportunity of performing an act of kindness to my friends, by permitting their property to remain some days upon an unoccupied place near my residence.

Their traffic was lawful, and knowing no danger, in giving them countenance, I feared none. There was nothing covert in the proceeding, because no criminality was involved.

But I am under promise to explain, or to give a reason why, in my late disbursements, I paid out a portion of North Carolina State bills. I state it to be a fact, which will be established by the officers of the Darien Bank, if necessary, that, in the course of our negotiations, we were directed to draw upon that Bank for the sum of thirty thousand dollars. That we did so, and received the amount entire in Darien bills. I exchanged a portion of these bills for the currency paid out: a most favorable operation of the Government. The Darien money has long been upon the decline, and is now at a discount of twelve to twenty per cent.

There is yet a balance in favor of the Government, in the hands of the Commissioners, but not in Darien money, as they might truly have reported, but for their own precautions. They will take an early occasion to review the whole of their accounts, and to ask a full discharge.

So much of the weight of the report appearing to rest upon the financial proceedings of the Commissioners, I deem it not improper by



way of further illustration, to introduce here copies of the correspondence conducted with the Government and others, upon the subject of the funds.

*Secretary of War to the Commissioners.*

DEPARTMENT OF WAR,

*March 23d, 1823.*

**GENTLEMEN :** The treaty of the Indian Springs, of the 8th January last, entered into by you as Commissioners, on the part and in behalf of the United States, and certain chiefs and warriors of the Creek Indians, having been ratified in due form ; I am directed by the President of the United States, to carry the same into effect.

By the 2d article of the said treaty it is provided that the sum of two hundred thousand dollars, shall be paid as soon as practicable, after the ratification of the treaty ; and by the 5th article it is stipulated, at the particular request of the parties to the second part, that the payment and disbursements of the first sum provided, viz : two hundred thousand dollars, shall be made by the present Commissioners negotiating said treaty. To carry this provision for the payment of \$ 200,000 dollars into effect, a requisition has been issued in your favor for that sum, which will be transmitted to you by the Treasury. In paying and disbursing it, the President directs that it be in accordance with the following rule, viz : Among all the chiefs of the tribe heretofore acknowledged, as such, and on the same scale as the annuities are distributed. The motive for this arrangement, is found in established usage, in the dictates of justice, and as furnishing the whole with the means by which they may be enabled to transport themselves to the country destined for their residence. You will apply to the Agent, Col. Crowell, for a list of the chiefs, and their respective proportions of the annuities heretofore granted to them, and act upon it as the basis of the distribution. It is the wish of the President before you distribute the money, that you should convene the chiefs, or have an interview otherwise with them, and explain to them the object of the payment, viz : That it is the first payment agreed upon in the treaty, for the compensation of their lands. It is to be presumed when they are advised that the treaty will be eventually carried into effect, they will readily receive their respective portions ; if not altogether, at least a large number ; and therefore those who may at first refuse, will successively acquiesce in the measure. In the disposition of the payment, you will look to this as a probable result, and retain as much money in your hands as that event may require. You will keep this Department regularly advised of your proceedings.

I have the honor to be,

Your obedient servant,

JAMES BARBOUR.

TO DUNCAN G. CAMPBELL,  
JAMES MERIWETHER,  
*Commissioners &c.*

*Col. Campbell to the Secretary of War.*

WASHINGTON, GEORGIA,

29th March, 1825.

SIR : The ratification of the treaty lately concluded with the Creek Indians, imposes the further duty on the Commissioners of "paying and disbursing" the first instalment, which was stipulated to be given for the acquired territory. The sum agreed to be paid to General McIntosh, in the supplemental article, is placed upon the same footing. Perceiving that an appropriation has been made to meet the exigency, I would respectfully inquire when, and in what manner, can the fund be placed at our control. The communication of Col. McKenney, of the 12th instant, under the direction of the Department, enclosing a commission to Major Meriwether and myself, has been received. We propose continuing the negotiation, for the purpose of reuniting the Creeks, and of effecting their entire removal at once.

I have the honor to be, Sir,

Your obedient servant,

D. G. CAMPBELL.

The Hon. JAMES BARBOUR,  
*Secretary of War.*

*Col. McKenney to Col. Campbell.*

DEPARTMENT OF WAR,

*Office Indian Affairs, 12th April, 1825.*

SIR : Your letter of the 29th ultimo, to the Secretary of War, is received. I have the honor, in his absence, to refer you to his of the 22d ultimo, informing you that a requisition was issued, for the two hundred thousand dollars, in favor of yourself and Mr. Meriwether, to carry into effect one of the provisions of the treaty of the Indian Springs, and which, it is presumed, had not reached you at the date of yours. I have the honor to inform you that a requisition has now issued in your joint favor as Commissioners, for the twenty-five thousand dollars, stipulated to be paid to Gen. McIntosh in the supplemental article of the treaty aforesaid.

I have the honor to be,

Your obedient servant,

THOMAS L. MCKENNEY.

To Col. DUNCAN G. CAMPBELL,  
*Commissioner, &c.*

*Col. Campbell to the Secretary of War.*

WASHINGTON, May 4, 1825.

SIR: I have lately received from the Department and Col. McKenney, communications touching the sums first required by the treaty to be paid the Creek nation and Gen. McIntosh. No time will be lost in reducing the drafts to cash, and disbursing the proceeds. The amount which shall be realized will be duly reported to the Department of the Second Auditor, where we are informed we are accountable.

Yours of the 23d of March, under the direction of the President, prescribes the rule to be observed in the disbursement of the instalment. It was not without reluctance that the Commissioners yielded to the solicitations of the chiefs, in taking upon themselves this additional and highly responsible duty. In their various negotiations and intercourse with the Indians, they are not conscious of having departed from "established usage" and the "dictates of justice." To secure a distribution, in accordance with these principles, was their chief motive in accepting the office. No apprehension need be entertained that the chiefs will not readily receive their respective portions.

Accounts of their discontent, if not wholly unfounded, have at least been greatly exaggerated. They disclaim the feeling themselves; and I regard as criminal, all attempts to excite it, or to establish its existence. We propose, within a short period, again to assemble the chiefs. It will be our object, at such Convention, to propose a purchase of the remainder of their territory; to reconcile the whole nation; and to effect their entire removal, if possible, agreeably to the benevolent scheme of our late Chief Magistrate.

I have the honor to be,

Your obedient servant,

D. G. CAMPBELL.

The Hon. JAMES BARBOUR,  
*Secretary of War.*

*Col. Campbell to the Treasurer of the United States.*

WASHINGTON, 4th May, 1825.

SIR: I have received from your Department two communications covering drafts upon the Branch Bank of the United States at New York, amounting to *two hundred and twenty-five thousand dollars*. These sums were required to enable the Commissioners to meet the stipulations of the treaty lately concluded with the Creek nation of Indians. A negotiation is pending with the Banks of Augusta for the purpose of reducing these demands to cash. A small premium will

be obtained ; and, so soon as the object is effected, the Department shall be informed of the amount received.

Respectfully, yours, &c.

D. G. CAMPBELL.

T. T. TUCKER, Esq.

*Treasurer, &c.*

*Col. Campbell to Alexander McKenzie.*

WASHINGTON, 23d April, 1825.

DEAR MACKENZIE : During my late absence at Clark and Oglethorpe Courts, communications reached this place from the War Department, and were forwarded to me by my family. To enable the Commissioners to carry into effect the late treaty with the Indians, as far as relates to the payment of the first instalment, they have been furnished with a Treasury draft upon the United States Branch Bank at New York, for \$200,000. I knew of no motive for this circuitry in the transmission of the fund, except it be founded in the expectation that the draft may be negotiated at a premium. I have, on several occasions, realized a profit to the Government upon the sale of drafts, and been complimented for the operation. Although I am not ambitious of having the compliment repeated, yet it will be some consolation to know that I deserve it. I am, therefore, desirous to dispose of the draft, and upon terms which will be favorable to the Government. The chiefs are busily engaged in arranging for removal. Their engagements with the whites, and with each other, make it desirable to distribute the instalment as speedily as possible.

They are making frequent inquiries and demands on me for advances. I have enclosed the draft with my own and Maj. Meriwether's endorsement. The Augusta Bank has been prompt and liberal in affording me facilities heretofore ; and I shall be gratified if they can find an advantage in embracing the occasion to continue. The object is to obtain the highest premium. Will you allow me to value again on your kindness and agency in the transaction of the matter. I shall attend Lincoln Court a day or two this week, and then pass to Augusta, where I may be expected on Wednesday or Thursday. My jaunt will be to receive the money.

I am, dear Sir,

Yours, very truly,

D. G. CAMPBELL.

MR. ALEXANDER MCKENZIE,

*Augusta.*

*Colonel Campbell to Colonel Crowell.*

WASHINGTON, May 13th, 1825.

SIR: The Commissioners who negotiated the late treaty with the Creek Indians, will soon be in preparation to comply with the article which stipulates the payment of the first instalment of the purchase money. That we may be the better enabled to determine the rule of distribution, we request to be informed as speedily as your convenience will permit,

- 1st. How many inhabitants compose the Creek nation?
- 2d. How many original and leading towns the nation contains?
- 3d. The number of subdivisions, of towns, and their names?
- 4th. The number of inhabitants in each original town?
- 5th. The number of inhabitants residing, and the number of original towns lying, within the ceded territory?
- 6th. The names of the chiefs, and the proportions in which they have received the annuities since 1820?

It is still the object of the Government, and the Commissioners are greatly disposed to effect the extinguishment of the Indian claim to all lands on this side of the Mississippi. For this purpose, when at the Springs in February, we desired that, if any feeling favorable to such result should manifest itself, that we might be informed of the fact.

I take leave to repeat the request, and to add, that the reasons for an entire removal, are not only multiplying, but are taking to themselves the character of strength and of necessity, which will not admit of resistance. We are hopeful that, with your aid, we shall be able to convince the judgments, and satisfy the good sense of the Tookaubatchians, of the obvious propriety, and great benevolence of the scheme, as suggested by the late President. The remaining territory, abstractedly, is but of little moment. They are, however, political and moral considerations, which claim the most imposing influence, and which induce perseverance. At our next visit, which will be at some convenient period in the course of the Summer, we propose to distribute the instalment under the late treaty. At the same time, we design to ask a cession of the territory retained, upon terms which we feel to be reasonable, and highly beneficial to both parties.

I am, Sir, your obedient servant,

D. G. CAMPBELL.

Colonel JOHN CROWELL,  
*Agent Indian Affairs.*

*Colonel Campbell to Secretary of War.*

WASHINGTON, May 15, 1825.

SIR: I had the honor to address to the Department, a short communication, under the date of the 4th ultimo. At that time, I had not

been informed, neither could I have entertained the most distant apprehension of the afflicting calamity which had already occurred, on the 30th ultimo, at the residence of General McIntosh, in the territory lately ceded by the Creek nation to the United States. From the very prompt and, apparently, ingenuous manner in which the opposing chiefs disavowed all feeling of resentment against the signers of the treaty, all apprehensions of hostility were quieted, and we believed the nation to be in a state of repose. That a lamentable reverse is the fact, you will have been informed before this reaches you. We have recently received from the families of two of the sufferers, their own detail of the horrid catastrophe, and its immediate consequences. I would not, if I could, attempt an embellishment of the language of the afflicted females. Copies of their letters are enclosed. Your own sensibility, and the justice of the Government, will furnish the commentary. The individuals, whose loss we deplore, were of a committee who were on the eve of setting out to explore the intended residence of the nation beyond the Mississippi. A sum of money had been advanced them for that purpose. A council had been held at Broken Arrow, and, immediately upon its adjournment, the hostile party embodied, and proceeded, with unparalleled celerity, to the residence of McIntosh, a distance of upwards of seventy miles, and executed the deed of butchery. The instruction given by the President touching the distribution of the instalment, seems to contemplate the allotment of a portion to each chief. We would respectfully submit the inquiry, Whether, if the assailants and murderers be completely ascertained and identified, their portions may not justly be withheld as indemnity for the amount by them destroyed? There is another point, and a material one too, upon which we beg the instruction of the President. Is it intended, in the distribution, that *all* chiefs shall be embraced, as well those who remain upon the unceded territory, as those who are about to emigrate? The sum stipulated to be given, is expressed in the treaty to be the equivalent for the improvements abandoned, the expenses to be incurred in the removal, and in the new settlement. This view taken by the treaty itself, would seem to exclude all, except the emigrants, from a participation in the purchase money.

I have the honor, &c.

DUNCAN G. CAMPBELL.

*Secretary of War.*

*United States' Commissioners to Capt. Triplett.*

MILLEDGEVILLE, May 28, 1825.

SIR: The Commissioners who negotiated the late treaty with the Creek Indians, have visited this place for the purpose of concerting arrangements preparatory to the distribution of the first instalment. With the same object, a letter was lately addressed to the Agent, to which no answer has been received, a sufficient time, probably, not

having yet elapsed. A deputation of chiefs have presented themselves to us, and, amongst other things, are making inquiries on this subject. To enable ourselves to give them an answer, and to obtain such facts as will aid us in the further discharge of our duty, we propose to hold a talk this morning. We shall be glad of your attendance, as the Agent of the Government and of the Indians, and of all information which you may have it in your power to communicate. The meeting will be about *ten o'clock*, perhaps, in some room about the Statehouse, if such can be procured.

Respectfully,

D. G. CAMPBELL,  
J. MERIWETHER.

Capt. TRIPLETT, *Assistant Agent.*

*Col. Campbell to Col. Crowell.*

MILLEDGEVILLE, *May 31, 1825.*

SIR: Not long since, I addressed you a communication, making various inquiries preparatory to a distribution of the first instalment, under the late treaty concluded with the Creek nation. If you have received that letter, and are prepared to furnish the information sought, the Commissioners will be glad to receive it. If that letter has not reached you, we can supply its absence by a copy. Perhaps an interview with you will enable us the better to concert our arrangements. Any hour before eleven, will find us at leisure.

I am, respectfully,

Your obedient servant,

D. G. CAMPBELL.

Col. JOHN CROWELL,  
*Agent I. A. &c.*

*Secretary of War to United States' Commissioners.*

DEPARTMENT OF WAR,

*May 18, 1825.*

GENTLEMEN: The President directs that, if the *two hundred thousand dollars* which have been remitted to you, for the first payment which is stipulated for by the late treaty of the Indian Springs, be not paid over to the chiefs of the Creek nation, that you hold the same subject to the order of General Gaines.

I have the honor to be,

Your obedient servant,

JAMES BARBOUR.

To Col. D. G. CAMPBELL,  
Major JAMES MERIWETHER,  
*Commissioners, &c.*

*Col. Campbell to Secretary of War.*

AUGUSTA, June 10th, 1825.

SIR: The drafts which were forwarded, by order of the Department, to the Commissioners who negotiated the late treaty with the Creek Indians, have been cashed at the Banks in this place. They were disposed of at a premium of one-half per cent. On this account we stand chargeable with \$ 226,187 50. The first draft was intended to meet the first instalment under the treaty. Of this fund, a small portion has been disbursed. The balance will be held "subject to the order of General Gaines," as directed by your communication of the 18th ultimo. The amount of the small draft being intended, exclusively, for Gen. McIntosh, has been paid over to his order, to a large extent, and the balance will be handed to his heirs, who will shortly convene at the Springs for the purpose of receiving it. Be pleased to pass this statement to the Second Auditor, that we may be debited accordingly.

Your obedient servant,

DUNCAN G. CAMPBELL.

The Hon. JAMES BARBOUR,

*Secretary of War.*

*Secretary of War to Col. Campbell.*

DEPARTMENT OF WAR,

May 27, 1825.

To Colonel DUNCAN G. CAMPBELL:

SIR: I have received your letter of the 15th instant, enclosing copies of two letters addressed to you, by three females of the families of Gen. McIntosh and Col. Hawkins. These letters set forth in forcible language, the affliction in which the writers have become involved by the massacre of their father and husband. The event is deplored; and you may assure the writers of the sympathetic feelings of the President, and of his deep regret at the misfortune which has overwhelmed them. What he can do for them, consistently with the relations with which the entire transaction may turn out to be connected, he will be happy to do. When the tidings of the massacre reached the Department, such measures were immediately taken as the crisis seemed to demand, as well for the protection of the friendly and suffering party, as for the defence of the settlements, should the hostile party, under the excitement in which they were represented to be acting, attempt their invasion.

In reply to your suggestions in regard to the mode of indemnifying the sufferers out of the first instalment, and of the principle of ap-



plying it to the emigrating party, I have the honor to refer you to my letter to yourself and Maj. Meriwether, of the 18th instant, since which time, no information has been received, justifying a variation in the instructions to General Gaines, connected therewith.

Your obedient servant,

JAMES BARBOUR.

*Col. Campbell to Gen. Gaines.*

INDIAN SPRING, June 23, 1825.

SIR: I have made a visit to this place for the purpose of paying over to the heirs of Gen. McIntosh the amount to which he was entitled, under the supplemental article of the late treaty with the Creeks. If I had been apprized of the convention which has just been held, I would have made the jaunt a few days earlier, as well for the purpose of renewing with you an old acquaintance, as for the sake of an interview upon the subject of a further disbursement, provided for in the same treaty. The Commissioners are at a loss to determine whether any, or what, further duty is expected of them, in relation to the last mentioned fund. The fund was transmitted to us. It was shortly followed by instructions, prescribing the rule of its distribution, and, shortly after, we were directed to hold the undisbursed balance "subject to your order." Permit me to inquire, whether we are to consider our authority as superseded, and, if so, when we may expect your order, for the fund. An answer to this last inquiry, is no otherwise necessary, than to enable us to prevent any inconvenience or delay, which might arise from our absence or the like cause. Upon hearing of the contemplated meeting at Broken Arrow, I determined to be present, and wrote to my colleague, Major Meriwether, requesting his attendance. He is detained by the severe indisposition of his family. A settlement of the difficulties, which, unhappily, prevail amongst the Creeks, appears to be the laudable object of your mission. It occurs to me, that the dissatisfaction which has arisen from the manner in which the instalment is directed to be distributed, can be no how so well reconciled, as by a consent, on the part of the chiefs, to a cession of the balance of their territory. The late treaty, and the removal of a part of the nation, virtually effect a severance of that community of interest which exists among savages. A cession would restore the tenancy in common, which has been destroyed, and rightfully entitle the whole to a distributive share of the general fund. Thus, one fruitful source of altercation would be reconciled. Our commission is still open, and we should be glad to re-unite the broken and deluded fragment of the tribe, and further the policy of the Government, by their entire removal. I make these suggestions, Sir, not in the spirit of hostility to your plans of conciliation; but, on the contrary, as auxiliaries to the scheme. If, then, in the course of your negotiations, you discover that there is any tendency to such a result, I should be thankful for information, and will convene a coun-

cil to effect it. The proposition would be an advantageous one to all parties concerned. The terms would be, in all things, similar to those of the other treaty, except the money consideration for improvements, and expenses of removal, which would be one *hundred thousand dollars*. I wish you great success in the benevolent employment in which you are engaged. The difficulties which you are called upon to reconcile, are not the product of the treaty, but are found in the train of its illegitimate consequences. I should very much regret the circumstance of your leaving the South without my having the pleasure of seeing you; and, if the interview could happen at my own house, it would be the more grateful.

I am, Sir, with great esteem and consideration,  
Your obedient servant,

DUNCAN G. CAMPBELL.

Gen. E. P. GAINES,  
*Broken Arrow, Creek Nation.*

*Gen. Gaines' order to Lieut. Butler.*

Lieut. E. G. W. Butler will repair, forthwith, to the residence of Major Meriwether and Col. Campbell, and present to them, jointly or severally, my order for the *two hundred thousand dollars*, placed in their hands, as Commissioners; which sum I have been authorized, by the Department of War, to receive. Lieut. Butler will receive the said two hundred thousand dollars, and deposite the same in the Branch Bank of the United States at Savannah, to the order of the Secretary of War, and report to me at Augusta, Georgia.

EDMUND P. GAINES,

*Maj. Gen. Comm'g.*

*Head Quarters, Eastern Department,  
July 16th, 1825.*

I certify that this is a true copy from the original order.

E. G. W. BUTLER,

*Aid-de-Camp.*

*Augusta, Geo. August 9th, 1825.*

*Lieut. Butler to Col. Campbell.*

SIR: Pursuant to the above order, I request that you will turn over to me the *two hundred thousand dollars*, placed in your hands for disbursement, under the 8th article of the treaty concluded at the Indian Springs, on the 12th February, 1825.

Very respectfully,

Your obedient servant,

E. G. W. BUTLER,

*Aid-de-Camp.*

To Col. D. G. CAMPBELL,  
*U. S. Commissioner.*

AUGUSTA, August 8th, 1823.

\$ 191,369.

In pursuance of the foregoing order to me directed, from Major General E. P. Gaines, I have this day met Duncan G. Campbell, at the Bank of Augusta, and have received from him, as the United States' Commissioner, the sum of one hundred and ninety-one thousand three hundred and sixty-nine dollars, being the balance in the hands of the Commissioners of the first instalment of two hundred thousand dollars, appropriated for the payment of the Creek Indians, under the late treaty.

E. G. W. BUTLER, *Aid-de-Camp.*

*Colonel Campbell to Lieut. Butler.*

AUGUSTA, August 8, 1825.

SIR : I have received your note of this date, accompanied by a certified copy of an order of General Gaines to yourself, in relation to the fund intended as the first instalment under the treaty lately concluded with the Creek Nation of Indians. The Commissioners had received from the Department of War, instructions, under the date of the 18th of May, to hold said sum, if it had not been paid over to the chiefs, "subject to the order of General Gaines." Previous to the receipt of the communication, however, the Commissioners had disbursed of the fund the sum of eight thousand six hundred and thirty-one dollars. These disbursements consist of moneys advanced to chiefs, who were on the eve of setting out to explore their contemplated residence beyond the Mississippi; to the deputation who visited Washington City after the massacre of McIntosh; to the family of McIntosh, immediately after his death; to chiefs who visited *Milledgeville* in May; and other small items, as per account, shewn you, and to be returned to the Treasury Department. The balance of one hundred and ninety-one thousand three hundred and sixty-nine dollars, is ready to be passed under the order of General Gaines to the credit of the War Department.

In making this transfer, it is due to myself and the Bank of Augusta, that the understanding which has been entered into between us should not only be stated, but pursued. The fund, as remitted, was in Treasury drafts upon the United States' Branch Bank at New York. This we negotiated at the Bank of Augusta, under the agreement that fifty thousand dollars of the proceeds were to be paid in *specie*, or bills of the Bank of the United States, as I might elect, and the balance in bills of the specie-paying banks of this State. Keeping the principle of this understanding in view, the Commissioners now conform to the direction of the Secretary of War, and the order of General Gaines. The Commissioners are not tenacious of any supposed honor or profit which might arise to them in the disbursement of this fund; but, in their acquiescence in the proposed arrangement, they would not be

considered as waiving any of the rights or obligations created by the treaty.

Very respectfully, your obedient servant,

D. G. CAMPBELL.

Major E. G. W. BUTLER, *Augusta.*

*Col. Campbell to the Secretary of War.*

WASHINGTON, *August 14, 1825.*

SIR: I herewith transmit, through the Department, to the Second Auditor, further accounts of disbursements in connection with the late treaty with the Creek Indians. The original fund placed at our control to defray the expenses of negotiation, is chargeable with a further item or two, of small amount, in support of which we have not yet procured vouchers in proper form. In obedience to the direction of the President, communicated in yours of the 18th May, the unexpended balance of the first instalment of two hundred thousand dollars has been held "subject to the order of General Gaines," and has been uniformly ready. Previous to the receipt of that direction, the Commissioners had advanced from the fund the sum of eight thousand six hundred and thirty-one dollars, as per account and vouchers now forwarded. The sum of \$191,369 has been passed to the credit of General Gaines, as will be seen by his order, the correspondence, and receipt of his Aid; copies of which are enclosed. The statement will be found to embrace the whole fund, except the sum of \$1000, being the premium at which the draft was negotiated. This, together with the premium on a smaller draft, has already been reported to you.

About the time of the receipt of your direction touching this fund, a draft of \$1000 was presented to the Commissioners, drawn by Chilly McIntosh, which they did not feel at liberty to accept, but now refer it to the Department whether we shall have leave to pay it. As every thing connected with the treaty, both anterior and subsequent to its obtainment, seems to be undergoing revision, partly official and partly by individuals of assumed authority, it was not, perhaps, to be expected by the Commissioners that their proceedings would pass unquestioned. The official, as far as they have been had at the instance of the Government, we presume, have been reported. Some of these have been disclosed, and have received a construction to our prejudice. That we may be enabled to vindicate ourselves before the Government, as whose agents we have accomplished important measures, and from the responsibility of which we do not seek to be exempt, permit us to ask that we may be furnished with copies of all the documents, within the control of the Department, which bring into question our proceedings in the late negotiation, as being inconsistent with justice and universal usage.

I have the honor, &c.

D. G. CAMPBELL.

HON. JAMES BARBOUR,  
*Secretary of War.*

I next subjoin extracts from my accounts, heretofore reported to the Department, shewing the profit realized to the Government by the sale of drafts, at different times in the course of our proceedings.

| Dr.         | <i>The Commissioners to the United States,</i> |          |     |       | Cr.                    |
|-------------|--|----------|-----|-------|------------------------|
| 1823. July. | To premium on \$ 34,500, in draft, 5 per cent. |          |     |       | \$ 1750 00             |
| Dec.        | Do.  | 13,000,  | do. | 1 do. | 130 00                 |
| 1824. Sept. | Do.  | 1,500,   | do. | 2 do. | 30 00                  |
| 1825. May.  | Do.  | 225,000, | do. | 1 do. | 1187 50                |
|             |  |          |     |       | <hr/> \$ 3098 50 <hr/> |

By the correspondence, thus introduced, it will be perceived what degree of vigilance and activity I proposed to exercise in obtaining the funds to comply with the treaty; the profit which I realized to the Government; and the speedy and equitable manner in which I proposed to make the distribution amongst the emigrating party of the Creek Nation of Indians. Immediately upon hearing that the treaty was ratified, I inquired, by the letter here inserted, of the 29th March, "when, and in what manner, the fund would be placed at our control?" This inquiry had been anticipated by the letter from the Department, dated the 23d same month. The first draft reached me on the 29th April, and on the 23d, by the letter to Mackenzie, I commenced the arrangement to reduce it to cash. On the 4th of May, I acknowledged to the Department the receipt of the drafts, after having visited Augusta and communicated with the Banks. On the 10th of June, (having been absent at Milledgeville, in the interim, where I disbursed to the Indians a portion of the fund,) I stated to the Department the terms upon which the drafts were negotiated. Before this, on the 13th of May, I called upon the Agent for information, preparatory to the distribution. On the 28th, the same call is repeated upon the Sub-Agent. On the 31st, it is repeated again, upon the Agent himself. On the 6th June, I returned to Wilkes, and found yours of the 18th May, directing that the \$200,000 be "held subject to the order of General Gaines." On the 23d June, I settled with the heirs of McIntosh, at the Indian Springs, (you have the voucher,) and, on the same day, addressed a letter to General Gaines, who had proceeded to Broken Arrow. General Gaines never answered this letter. He was now in the factory of falsehood and detraction. He had no doubt heard of the report alluded to by Lamar; and, from the signs of the times, and the tone which he assumed, and the company which he kept, I have reason to believe that his silence was insidious, and that he aimed to give efficiency to the report by a call for the money which to me should be unexpected. Accordingly, about the 26th of July, Major Butler, General Gaines' Aid, presented a military order, directed to himself, requiring him to "repair forthwith to the residence of Major Meriwether and Colonel Campbell, and to present them, jointly and severally, (his) order for the two hundred thousand dollars placed in their hands as Commissioners, which sum he had been authorized by the Department of War to receive." The Major was further ordered to

make a deposit of the amount in the United States' Branch Bank in Savannah, and report to his General at Augusta. The call of the Major was near the time of my setting out for Athens, on a special occasion, where I expected to spend some days with my colleague. I therefore arranged with the Major to meet him at Augusta a few days subsequently to that time. Our meeting was according to appointment. The matter was promptly adjusted, and I took a receipt in full. The extract from my accounts already reported, shews an amount of upwards of three thousand dollars addition to the funds in our hands, by the sale of drafts. I doubt whether any more of your Agents, general or special, can make the like shewing. The Government has upon its list defaulters to the number of thousands, and, in the amount, of millions. I am not reported dead, or insolvent, neither am I a defaulter. I have but little property; but that is not the product of speculation, but the hard earnings of a laborious life. I have a residence and a name, and that which cannot be filched from me—a *consciousness of having done my duty*. Nevertheless, the Commissioners may be sacrificed, and the treaty annulled. But if, for these purposes, the reports of your Agents, and the evidence which accompanies them, be relied on, then we protest against their sufficiency. The one pursues a course of reasoning and examination evidently delusory, and a large portion of the other is irrelevant and corrupt.

I trust, Sir, that I am not insensible to the elevated character of the tribunal to which this communication is made, or of the veneration to which it is entitled. I am not conscious of a departure from either sentiment. If such be detected, it will be pardoned, upon the avowal that it was not intended.

I have the honor, &c.

D. G. CAMPBELL.

The Hon. JAMES BARBOUR,

*Secretary of War.*

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*Testimony of Alexander McKenzie.*

STATE OF GEORGIA, }  
 City of Augusta, Richmond County. }

Personally appeared before me, Samuel Hale, a Justice of the Inferior Court of said County, Alexander McKenzie, of the late firm of McKenzie & Ponce, who, being duly sworn upon his oath, saith: That, from the increasing price of cotton before and about the 1st of April, in the year 1825, he had come to the opinion that there would be a proportionable advance in the price of negro property; and, on this account, spoke of an arrangement for speculating in such. Knowing of the fact that Colonel W. W. Williamson had made a trip or two in that trade, after the loss of his property by his accommodation as endorser in one of the branches of the Darien Bank, and being disposed to afford him a benefit, as well as to realize a profit myself, I accepted a proposition to become interested with him in the purchase of negroes in Charleston, S. Carolina; accordingly, early

in April, about the 5th, Colonel Williamson arrived in this place, and, after some arrangements between us, he proceeded to Charleston. After determining to embark to a small extent in the business, I was not altogether prepared to arrange immediately for the funds. I had formed some acquaintance with Christopher Fitzsimmons, Sen. who resided a short distance from this place, in South Carolina, and knew he had considerable influence in Charleston, his son being in business there, and in whose hands I had cotton at the time for sale. I procured a letter from Colonel Breithaupt (an intimate friend of both of us) in my behalf; when Mr. Fitzsimmons very promptly directed his son to make me such advances as I might need in the project of making purchases. Accordingly, advances were made on my account to Colonel Williamson, in Charleston, of \$10,761 50, with which he purchased negroes to the number of thirty-two or three, as well as I can now recollect. Williamson returned through this place with the negroes about the middle of May, say the 12th; for on that day I find I paid his passage up, as well as that of the negroes: he proceeded with them into the country, where he has disposed of most of them by sale. I have reimbursed Mr. Fitzsimmons the amount advanced. Deponent further saith, that, as regards certain other funds with which his name appears to be connected in an investigation pending at the instance of the General Government, the facts within his knowledge, or such of them as now occur to him, and in which he has had an agency, are as follows:

Deponent resides in the city of Augusta, is a director in the Bank of Augusta, and is the brother-in-law of Colonel Duncan G. Campbell; he has been frequently consulted by Colonel Campbell in many transactions, the business of exchange, and the negotiation of drafts upon the Government. On one occasion, in 1823, as well as deponent recollects, he purchased of Colonel Campbell a large amount in drafts on the War Department at a considerable premium, and has had many transactions with him in having his drafts discounted, and in drawing and transmitting large sums of money which he had the control of as Commissioner of the Government. The matter to which his attention is mainly directed at the present, relates to the negotiation of two Treasury drafts upon the U. S. Branch Bank at New York, amounting to \$225,000. About the 23d of April, 1825, these drafts were placed in his possession with directions (as will be seen by Colonel Campbell's letter hereto annexed) to ascertain where and upon what terms they could be most advantageously negotiated. Within a few days, Colonel Campbell came to this place himself, assisted in the negotiation, and received propositions from both banks equally favorable, and left the place; leaving the drafts with me to accept the offer of the Bank of Augusta, as this had been prompt in affording him facilities before.

The amount was placed in the bank by my direction, at my credit; I checked for large sums and remitted them, particularly as I now recollect it, one time to enable the Commissioners to settle with the heirs of General McIntosh for the purchase of reserves under the treaty: the fund thus remained until the 9th of August, when Colonel

Campbell and Major Butler met in this place, and I checked for the amount called for, in favor of Colonel Campbell, and he passed the same amount to the credit of General Gaines, say \$191,369. While this deposit was at my credit, I had other funds in bank, and checked generally for various sums, and used them in the course of business, sometimes no doubt exceeding my own funds; but I state, unequivocally, that the Commissioners, nor either of them, was interested or intended so to be, in the investment of a single dollar of said deposit. While I was thus in the use of a small portion of said funds, I was in daily expectation of being called on for the whole amount, and was always ready to come to a settlement, and, when called on, did settle.

Deponent saith further, that he has been furnished, by a friend at Washington City, with copies of the affidavits of Micajah C. Williamson and John T. Lamar, upon the subjects hereinbefore alluded to. The first of these individuals deponent never saw, but, from the character he has had of him, and the testimony he has given, deponent would view his evidence with suspicion, and in no wise strengthened by the affectation of "reluctance," with which it is furnished.

The affidavit of Mr. Lamar must have been made under very great misapprehension of what had passed between him and myself. I never sent to Milledgeville to Col. Campbell, for any draft, by express, or otherwise, nor was any draft disposed of at a premium of one and a half per cent. The drafts had been here for more than a fortnight before the Legislature had commenced its session, and had been sold only for a premium of a half per cent. The benefit alluded to one hundred thousand dollars, as resulting to Augusta, was from the circumstance that, by the operation upon these drafts, the bank was enabled to greatly extend her accommodation to the citizens. The reason of my having a conversation with Lamar at all, was in consequence of various slanders which were in circulation, some of which *I knew* came from the Agency, "that these funds had been wasted or disposed of, or could not be produced when called for by General Gaines." The General's Aid can say whether this was true.

A. MACKENZIE.

Sworn to before me, at Augusta, 13th January, 1826.

SAMUEL HALE, J. I. C. R. C.

*Certificate of Christien Breithaupt.*

MOUNT VINTAGE, (S. C.) January 10, 1826.

I do hereby certify that Mr. Alexander McKenzie, of the house of McKenzie and Ponce, in Augusta, applied to me in the month of April, 1825, to give him a letter of credit of about ten thousand dollars, on Charleston, for the purpose of engaging with a friend of his in the purchase of negroes. I cheerfully complied with his request, and directed my letter to Christopher Fitzsimmons, Esq., which was acted upon.

CHRISTIEN BREITHAUP.



*G. Fitzsimmons to McKenzie and Ponce.*

CHARLESTON, 14th April, 1825.

*Messrs. McKenzie & Ponce :*

GENTLEMEN : Your esteemed favors of the 9th and 11th are received. Your request as to the letter of credit given Col. William Williamson will certainly be attended to, and I will with pleasure render him any other assistance and attention in my power. I hope the speculation will turn out greatly to your advantage.

I will, as you desire, forward R. Ketchum, of New York, \$ 5000 immediately, either in a check, or undoubted bill.

Our cotton market has been gradually rising the last ten days. Yesterday there were great operations, as well as I could learn, directed in great measure from your city. Mixed lots sold freely at 23½ to 24. Prime is held at 26 and 27 cents. I sold 200 bales yesterday, that cost ten days ago 20 cents, at 23½. Almost all the cotton here, about 2500 bales, is held on speculation. It is impossible to form an idea to what it will go, but I should not like to hold cotton long.

If we should not meet before, I hope to have the pleasure of seeing you in May or June, when I expect to be in Augusta.

Your obedient servant,

CHRISTOPHER FITZSIMMONS, Jr.

P. S. Just heard of dates to the 6th, by New York.

Large sales at 16d. Our cotton market is wild : they are asking 30 cents for good fair.

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*Resolution of the Legislature of Georgia.*

IN THE HOUSE OF REPRESENTATIVES,

THURSDAY, 17th November, 1825.

Whereas, in the heat and effervescence of party feelings and political disquisitions, the character and standing of two of our most worthy and distinguished fellow citizens, lately appointed by the General Government to negotiate a treaty with the Creek nation of Indians, for the extinguishment of the Indian title to lands within the limits of the State of Georgia, have been improperly aspersed, and their uprightness and integrity called into question.

And whereas great benefits have resulted to the good citizens of this State, by the exertions of our fellow citizens aforesaid, in obtaining for the State of Georgia an extensive, fertile, and important territory within the limits thereof :

*Resolved, unanimously, therefore, by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That they*

feel deeply and gratefully impressed with the important services of the Honorable Duncan G. Campbell and James Meriwether, in obtaining the late cession of lands from the Creek Nation of Indians, and that their confidence remains unimpaired in the honor, uprightness, and integrity, of those gentlemen.

*Resolved, further,* That the General Assembly, representing the feelings and wishes of the good citizens of this State, do not hesitate in saying that they conceive that the treaty contains, itself, intrinsic evidence of its fairness, in the liberal and extended provisions which it contains for the removal, preservation, and perpetuity, of the Creek nation; such treaty, so beneficial to the United States, the State of Georgia, and the Indians themselves, having been negotiated under circumstances requiring the most devoted zeal, and persevering industry and firmness, we pronounce upon the conduct of the Commissioners our most cordial approbation; and that a copy thereof be transmitted to each of said Commissioners, and also a copy to each of our Senators and Representatives in Congress.

APPROVED: 24th November, 1825.

*Exposition of the United States' Commissioners, in relation to the late Treaty concluded by them with the Creek Indians.*

The Commissioners on the part of the United States who concluded the late treaty with the Creek Indians, are placed by circumstances beyond their control, in a situation not less painful than peculiar. Intrusted with a negotiation of great national and local importance, they had conducted it to a successful result, and the treaty itself had received the fullest sanction of public authority, after the only argument which could be suggested against its validity, had been presented both to the Executive and the Senate of the United States. (1)

In a short time thereafter, Gen. McIntosh, a chief, equally distinguished for his influence among his own countrymen, and for his friendship, attachment, and services, to the white people, and some of his most conspicuous friends, were assassinated by a band of those Indians who had opposed a cession of territory, while *reposing* with perfect confidence on the solemn pledge of protection against the "hostilities of the whites and all others," given in the 8th article of the treaty, and at the very moment they were preparing for the speedy removal of the "emigrating party." The Indian Agent, Col. Crowell was accused of having instigated the massacre, (2) and Maj. Andrews, of the War Department, was speedily delegated to investigate the charge, while Gen. Gaines was simultaneously commanded to suppress the disorders of the Creek nation, and, if possible, compose its dissensions. Believing that the powers confided to those gentlemen, would be exercised exclusively in an examination of the subjects referred to them, the Commissioners never entertained a thought that

(1) See the letter of the Indian Agent, Colonel Crowell, dated 13th February, 1825. He was also present in person at the ratification.

(2) These accusations were made by the Governor of Georgia, in his communication to the President.

their conduct in the negotiation of the treaty was to be arraigned, or the integrity of their official and private characters impeached. As little did they suspect that the Executive Department of the United States, was, in any degree, dissatisfied with the course they had pursued. They have maintained a correspondence with the Secretary of War from the conclusion of the treaty to the present, and no disapprobation has been expressed. Soon, however, after these gentlemen had entered upon the performance of their duties, both of them, in terms more or less direct, pronounced the Commissioners guilty of corruption in negotiating the treaty, or of such a departure from justice as could scarcely be considered less culpable. (3) It is now officially announced, that the treaty, notwithstanding its solemn ratification, is to be submitted to Congress, burthened with the charge of being "tainted alike with intrigue and treachery." (4)

The clearest principles seemed to require that the Government should protect its own negotiators from a partial inquisition into their conduct, by Agents subsequently appointed, and for purposes ostensibly different. We repeat, that the Commissioners had received no intimation of a design to examine their diplomatic proceedings, and cannot now believe that the head of the Government, in delegating Gen. Gaines and Maj. Andrews for specific purposes, intended that they should extend their investigation to a subject embracing so many interests which were not represented before their tribunal. The rights of the United States, of Georgia, and, let it be respectfully added, of the Commissioners also, demanded that *they* who must be supposed best qualified to defend them, so far as they were involved in the treaty, should receive notice of the ground on which their public acts were assailed, and enjoy the opportunity of sustaining them. But as no such measures were adopted, and the Commissioners were not stoical enough to regard with indifference the possible effect of the accusation, if it remained uncontroverted, they applied to the Department of War for a copy of the charges and alleged proofs which had been derived from the investigation, and, as yet, copies have not been received. Hence we are, at this time, compelled to confine ourselves to a general view of the conduct of the Special Agents, so far as we have been able to derive a knowledge of it from the publications of the day; to a view of the state of the Creek nation, and to a more particular notice of the measures which we pursued in obtaining the treaty. The principles obviously deducible from this arrangement, will, we think, remove, or at least suspend, any prejudices excited by the denunciations of the treaty and its makers.

It is with the deepest regret that the very nature of the defence requires us to censure, but we shall endeavor to perform this disagreeable task in such a manner as to convince the impartial that we are impelled by necessity, and guided by a sense of justice. One prominent individual, most obnoxious to animadversion, must discover, from our past forbearance, unquestionable proof that personal enmity does not enter into our motives.

(3 & 4) These allegations are to be found in the communications of the Special Agent and General Gaines.

Much no doubt of what we shall submit has already been communicated in detached portions to the public; but it is our object to blend into one view the principal facts and reasonings relative to the subject, as briefly, perspicuously, and calmly, as possible, that men of all parties may receive the simple impressions of truth, aided by arrangement and undisturbed by passion.

We commence with the Special Agent, Maj. Andrews, who, preceding Gen. Gaines, first became the object of public attention. The duty prescribed to this gentleman was an examination of the conduct of the Indian Agent, and the contingent adoption of certain measures in relation to his office. Col. Crowell was accused, and the regular scope of the inquiry was, *whether his accusers had spoken the truth*. If, as Maj. Andrews asserts, the very evidence adduced against the Agent seemed to establish his innocence (5) what necessity did then exist for seeking an indirect justification by inculpating the Commissioners? If he chose to prolong his judicial career by collecting superfluous evidence, consisting of proof that the Indians had been provoked to the murder of McIntosh by the misconduct of the negotiators of the treaty, would it not have been just that, before the inquiry was extended, he should procure a notification of the persons most deeply interested, and who alone could be considered the proper defenders of their own acts of diplomacy? And, finally, if he can be pardoned for disregarding this very obvious consideration; if, insensibly and unconsciously, he allowed the *defence* of Crowell to become the impeachment of the Commissioners, did justice or delicacy permit him under these circumstances to pronounce his opinion of their guilt, as he has manifestly done in his compliment to Col. Crowell for "stemming a torrent of corruption disgraceful to the nation?" (6) This procedure, sufficiently objectionable in itself, appears still less reputable when contrasted with his animated censures of the Legislature of Georgia for taking *ex parte* testimony against the Indian Agent. It would have been well if Maj. Andrews, economising his sensibility to injustice, had reserved enough to restrain himself from wrong, instead of exhausting the whole in a *volunteer reprehension* of that which he unadvisedly imputed to others. The Governor of Georgia solicited such a suspension of the Agent as would prevent or diminish his influence over the witnesses to be examined on his trial. With extreme reluctance the Special Agent agrees to suspend him in "courtesy" to the authorities of the State, and yet, in the profession of his extraordinary courtesy to Georgia, denounces the conduct of her Legislature as unjust, if not persecuting. Since this gentleman uniformly affects the air of a fastidious observer of all the niceties of propriety, what could have induced him to offer this gratuitous insult? He was commissioned to try Crowell, not the Legislature or the negotiators of the treaty; and nothing, it would seem, but the violence of partizan zeal could blind a cautious judge to an indecorum so flagrant. The letter of suspension alone, is sufficient to stamp the

(5 & 6) The Special Agent's communication to the Governor of Georgia.

character of his operations. In a document which he knew would be published before the trial, he tells the man who is suspended to prevent his official influence, that he (the Judge) considers him injured, if not persecuted; that his impressions are all in favor of the accused; that the suspension is a mere matter of form; and intimates, in a manner plain enough to be understood by the humblest capacity, that the Indian Agent will doubtless be speedily restored to his office with the honors of a full acquittal. Charity and ingenuity united would find it no inconsiderable task to palliate such a measure. If the trial had proceeded without a suspension, and Maj. Andrews had remained silent, persons in fear of Crowell might have been emboldened to testify the truth, under the apprehension that justice would be done in ordering his removal; but here was an official caveat, notifying all such that they would testify at their peril.

With the nature of the *charge* of corruption, so boldly and gratuitously exhibited by the Special Agent, and with the *specifications* which he has doubtlessly furnished the Department of War, we are not acquainted, and hence cannot be expected to give a particular and specific answer. If it shall become necessary to us to be more minute, we hazard nothing in venturing the pledge that we shall be prepared to meet the exigency. Before proceeding however to another and distinct branch of the subject, we will bestow a few additional remarks upon a late and further proceeding of this Special Agent. It will be recollected that, during the period of his operations in the Creek country, a board of *State Commissioners* was constituted under the authority of the Legislature, and instructed to collect testimony in support of the charges against the Indian Agent. This board, in closing their duties, submitted a report of their proceedings to the Governor of Georgia, from whom they derived their commission. In answer to this report, Maj. Andrews has lately made a publication in the papers at Washington, in which he has indulged in terms of the most unsparing invective and licentious recrimination. With the proceedings of Maj. Andrews, or of those gentlemen, in the discharge of their respective duties, we had no connection, and little expected to be involved in their collisions. It is not our duty to vindicate that board, nor shall we attempt it. They are competent to their own defence, when implicated even by Maj. Andrews' superior. But the Special Agent, in his anxiety to defame Col. Williamson, makes him the conductor by which certain allegations are communicated to us. In speaking of that gentleman, he says, "Col. W. W. Williamson stands convicted in the evidence which accompanies my report to the Government, by the testimony of numerous witnesses, of being an active instrument in the hands of the Commissioners who made the late treaty, in attempting to bribe various persons to betray their duty and honor. He is shewn to have offered a bribe of \$8,000 to the United States' Interpreter, whose character he has since endeavored to destroy, to prevent any exposure of his own corruption. He is shewn by the evidence to have been paid a thousand dollars for his services, and to have received twenty-five or thirty thousand dollars

of the United States funds, placed in the hands of the Commissioners who made the treaty, and to have been engaged with that money ever since in speculating in negroes as a common negro trader."

We readily admit that Col. Williamson was our Agent, our "active" agent, during the negotiation, and as such rendered us important services. His acquaintance with many persons in the Nation, his industry and zeal for our success, with his capacity for business, made him eminently useful. He performed long journeys for us; suffered fatigue, exposure, and privations at the most inclement season of the year, in obtaining for us information, essential in overcoming intrusion and perfidious opposition, and conducting us to success. He was instructed to use, and no doubt did use, his best exertions in removing from the minds of the chiefs all false impressions, let them have been derived from what quarter they might, and however insidiously made. These impressions thus made, were the obstacles against which we had mainly to contend. Had others who ought to have acted from duty, been even willing for our success, and moderately zealous in their co-operation, Col. Williamson had been spared his labor, and the United States the expense of his employment. It will be borne in mind, that the object of our mission was to obtain a cession of territory, to enable the United States to comply with her compact with Georgia. The execution of that compact, was, and still is, a subject of the most general and interesting discussion, involving principle, and exciting feeling, which it was greatly desirable to settle and allay. The method adopted to do this was through the medium of treaty, and to defray the expenses of such treaty, a competent appropriation was made, and placed at the control of Commissioners. No sooner had they commenced the discharge of their duties, than they were met by opposition from different quarters, varying in motive, but of the same degree of obstinacy. This proceeded from intermeddlers, some of them being Cherokees, (8) and others, white men, who, with untiring industry, had been struggling to obstruct our progress and counteract our personal exertions. In this situation, if we had contented ourselves with making a cold and formal proposition, and receiving a flat if not insolent denial, then, indeed, we had been unworthy of the commission which we held, most feeble negotiators, barely lukewarm patriots, and subject, with more plausibility, to the charge of "corruption;" a corruption, however, but little offensive to pseudo philanthropists, and the mock moralists of the day. Our ideas of duty led us to exert ourselves more actively as the obstacles increased. When we found ourselves resisted by insidious and hidden measures, their discovery was necessary to enable us to evade their force. Surrounded by these untoward circumstances, we did avail ourselves, not only of the assistance of Col. Williamson, but of oth-

(8) Within a few days past, a deputation of Cherokees, in company with a Creek chief, the only one from Talladega who refused to sign the treaty, have come into this State, and are no ways reserved in their remarks concerning our Indian relations generally, and the late treaty in particular. They are very open in declaring, that, if the Creek land is not obtained by this treaty, it will never be obtained by treaty hereafter.

ers. But, that *he, or others were employed by us to "bribe various persons to betray their duty and honor,"* is false; and this we declare, careless of the number of witnesses by whom Major Andrews has proved it. That Col. Williamson ever offered to Hambly, the United States' interpreter, a bribe of \$8,000, we do not believe; that he was not authorized by us to make such offer, we know. But, that the Major has proven both, we think probable; for, upon Hambly, and various others with whom he had to deal, an oath imposed no obligations.(9.)

We beg leave to repeat, that we had done nothing to provoke Major Andrews to make the charges against us. We had preferred no accusation against him, and whatever may have been our opinions of the manner in which he had discharged his duties, and of its tendency to illegitimate results, we had foreborne, either directly or indirectly, to interfere. Let the public decide, upon a full view of the course pursued by this Agent, whether he was not totally incapacitated for the duties assigned him, either by the force of his partialities, or the weakness of his understanding. Let them determine, on either supposition, how much reliance is to be placed in the result of his inquiries.

The proceedings of General Gaines are of a character not less to be reprehended. An attentive observer of the course of these two special Agents of the United States, cannot have failed to remark the impassioned and unbecoming manner in which it was pursued, and the singular analogy of the conclusions arrived at. This analogy is the more striking, when it is discovered to lie *beyond* the regular scope of their respective commissions. We have already exposed the inconsistencies of Maj. Andrews, and shall next look to the assimilated movements of Gen. Gaines.

The Creek nation had become the seat of disorder in consequence of the murder of three of its chiefs, who had favored the treaty lately concluded. To suppress these disorders, to restrain, or protect, as occasion might require, and to restore tranquillity to the nation, were, as we conceive, the only duties assigned for his performance. That he should have assembled the two parties in the nation, and received their respective statements relating to the rupture, was reasonable. That these statements, whatever they were, and no matter how influenced, should have been communicated to the Government, and taken for what they were worth, may also be granted. But, when-

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(9) Upon the subject of the United States' funds, D. G. Campbell *severally* remarks, that the sale of drafts, the receipt of the funds, and their *custody*, intervening the periods of actual negotiation, have chiefly devolved upon himself. That, from no responsibility upon this subject, however high and delicate, does he seek to exempt himself. He has regularly accounted to the proper tribunal. He is willing for the Government to subject him to the strictest scrutiny; but cannot consent, in a proceeding like this, to give further answer to the *vulgar personal* allusions of a public Agent, who is aiming to divert the public indignation from himself, by an adroit manœuvre of fixing it upon others. D. G. Campbell admits that Colonel Williamson is his brother-in-law, and is willing to submit the decision to those who know him, whether, "negro trader" as he is charged to be, any Agent of the Government would be dishonored by the connection.

ever he resolved himself into a tribunal, and sat in judgment upon the validity of the treaty, or the conduct of the Commissioners in obtaining it, interests were involved, important and delicate, which ought to have been represented. That he has impeached the treaty and assailed the Commissioners also, will be seen in his several communications upon the subject. (10) We have no apprehension that he was instructed to do so, at least by his Government. He has, therefore, under usurped authority, practised an indecorum from which his own sense of justice ought to have deterred him.

*Justification* for such a course may be searched for in vain; and even his apologies are greatly weakened, when we look to the place and circumstances of his operations. When he arrived at Broken Arrow, we can assure him that he was in a soil and climate extremely unfavorable to the production of truth. His dealings were with those who stood charged themselves. It was for the Council, there convened, to account for the outrage which occasioned the commotion, and the members of such council had long been under the tutelage of others who were not free from implication. They were, literally, *criminals testifying in their own defence*. They had murdered McIntosh, and were now to answer for it. The ground taken by them, on this occasion, was, that he had been executed for a violation of law. The ground taken for them shortly previous, was, that the prospect of a survey of the ceded lands, before the time limited in the treaty, "had produced in them feelings of melancholy and great distress." (11) Both these grounds, although they are contradictory, presupposed the treaty valid. Its solemn ratification was further, and, to a Government agent, should have been *conclusive*, evidence of its validity. That in an *ex parte* procedure, then, its force should have been considered questioned, and its negotiators as impugned, displays, at least, an easy credulity, leading to conclusions obviously unjust. The further proceedings of that Council evince, still more plainly, the impropriety and danger of the course pursued. A chief, that is to say, an Indian, prepared for the purpose, and decorated, perhaps, with the spoils of the late aggression, makes a statement, which a State Commissioner present offers to expose as false: the offer is rejected, and credence is given to the statement "against the congregated world." (12) The subtle-witted chief, seeing that his declarations find such ready access to the feelings and confidence of his only acknowledged hearer, resolves to push his success until he should again become a lordling of the soil, of which he never dreamed till then he had been unlawfully deprived; gives utterance to "sentimental trash which had been manufactured for him;" is now so humiliated that he would

(10) General Gaines *professed* to maintain the validity of the treaty, while, in his correspondence with the Governors of Georgia and Alabama, he denounced it as a work of intrigue, treachery, and fraud, and hoped that the complaints of the "sons of the forest" would be attended to.

(11) Quotation from the Agent's communication to the War Department, contained in a communication of the latter to the Executive of Georgia.

(12) This declaration is shewn to have been made by General Gaines, by the report of the Board of State Commissioners to the Governor of Georgia.



not lift a hand against the whites ; that he would die among the tombs of his fathers ; would lay down at the corners of the fences, and manure the ground with his bones. With all General Gaines' boasted "experience of twenty years with the Western and Southern Indians," he has certainly been imposed on by the solemn affectation of this "distinguished chieftain," Poeth-la-yo-ho la. He now recognizes this Council as the "Creek Nation," sarcastically denominates the other party "the little treaty-making party ;" calls it "not more than one-fiftieth of the nation ;" attempts to depreciate the treaty, by saying of it, "no matter how obtained ;" and, finally, in the overflow of benevolence, expresses a hope "that the appeals of the chieftain will not be disregarded." (13) The information and its commentaries are reported to the Government, and the determination is immediately taken to refer the treaty, improperly burthened as it is, to the consideration of Congress. If we are to regard the report of General Gaines, founded upon the talk of an Indian, as being the ground of the reference of the treaty to Congress, then have we already shown, from the mere circumstances of the case, the unsubstantial foundation of such a reference. But if, peradventure, the General has fortified and accompanied his opinions, wishes, and report, with other facts drawn from the body of the Creek nation, then we proceed to shew that any fact, so acquired, must come in a shape at least *questionable*. The great effort, on the part of the Broken Arrow Council, and of those who act in concert with them, has been to furnish the means of "breaking the treaty." Some of the means furnished have come to our knowledge, and we shall take occasion to examine them before we conclude. If testimony has proceeded from the highest authorities in the territory ; from the Agent, or from the Acting, or dismissed Sub-Agent, it is but the testimony of those implicated for their opposition to the treaty, both before and since its conclusion, and therefore *incompetent* on the ground of *interest*. If the statements of the Rev. Missionaries, Smith and Compere, are relied on, even *they* are not exempt from the imputation of prejudice and inconsistency. If Indian countrymen have been examined, most of them are refugees from the penal laws of the States, dependant upon the Agents for the guilty privilege of enjoying a degraded retreat. But let the evidence have been derived from whom it may, the General seems to treat it as authentic, and may possibly continue to rely upon it "against the congregated world." We will take the liberty of examining one of his conclusions ; and, as it appears to be a favorite one, we may reasonably conclude that he is prepared to sustain it. He has stated that the "*little treaty-making party*" is *not more than "one-fiftieth of the Creek nation."* The entire territory occupied by the Creeks is divided into four original or mother towns ; these are variously subdivided into villages. A *village* representation is not requisite, or ever regarded in the formation of an Indian council. *The actual representation from the original towns, and the actual extent of territory which they occupied, formed our cri-*

(13) See General Gaines' letter to the Governor of Alabama.

terion whilst negotiating, and we shall pursue the same criterion for the purposes of the present inquiry. The four original towns are, Cowetuh, Cussetuh, Osweechee, and Tookaubatchee. Cowetuh commences on the Chatahoochee river, below Broken Arrow, runs several miles West towards the Alabama settlements, thence, Northwardly, to the Cherokee line, and, with that line, to Sand town on Chatahoochee. Thus much Cowetuh includes on the West of that river, a portion whereof is within the Alabama limits. The same town, commencing on the East of Chatahoochee, runs eastwardly to Flint River, and thence to the head of that, and thence, with the white settlements, to Chatahoochee. Cussetuh is immediately below Cowetuh, running from the Flint across the Chatahoochee into the reserved lands in the Alabama limits; thence, down the rivers, for quantity. Hitchatee and Uchee are the only other tribes within the limits of Georgia. The first was fully represented at the treaty, and the latter is considered as a subdued tribe, having no authority. Osweechee and Tookaubatchee bound upon the Alabama settlements. The first, and a portion of the latter, are reserved by the treaty to the nation, but a part of Tookaubatchee is ceded. Taking the geographic definition of the limits of the several towns to be sufficiently correct, we shall proceed to inquire what portion of the soil was represented. The Indian Agent declared, in his letter of protest, that the "treaty was signed by McIntosh and his adherents alone;" and General Gaines says that it was concluded "with but one-fiftieth of the nation." We take it for granted that neither will deny that the town of Cowetuh was represented at the treaty. We admit that the whole town were the adherents of McIntosh, and then remark, that a treaty "signed by McIntosh and his adherents alone," the Cowetuh, embraces more *than one fourth of the territory and population* of the whole Creek nation. The Hitchatees, a tribe not attached to Cowetuh or Cussetuh, but of considerable territory and population, were represented by their head chiefs, and signed the treaty. Even this assemblage of our forces, seems very satisfactorily to throw back the odium of the expression, "little treaty-making party." But we proceed *further* to augment that much derided party, and, in the same proportion that *it increases*, the boasted "Creek nation," which intends to "die among the tombs of their fathers," will be necessarily diminished. We rejoice that we are enabled to diminish it so much: for humanity would be grieved to see *many* of the sons of the forest "lying down at the corners of the fences manuring the ground with their bodies," while thousands of the same race were exulting in their prosperity, in a delightful region upon the Canadian fork of the Arkansas. To our numbers, then, already formidable, we add a numerous representation from the old and extensive town of Cussetuh. These were there, and "*took the talk*," as we shall hereafter shew, and were not only *will-*  
*ing*, but *proud* to be considered of the "little treaty-making party." We yet consider them as of the treaty-making party, as the "*adherents of McIntosh*," and associated with the Cowetuh and Hitchatees, claiming and occupying a much greater extent of territory than lay within the limits of Georgia. But, as the treaty has gone beyond the

Georgia boundary, it may not be amiss to shew the motive which induced us to include in the treaty a portion of Alabama. It has already been shown, that the Cowetuh and Cussetuh towns extend considerably within the limits of that State. This, of itself, was a sufficient reason why we should include in the treaty a portion of its unlocated territory. Another reason, however, not less plausible, consists in the fact, that, of the sixteen Tookaubatchee Indians present, eight only opposed a cession. Seven of these were from Tookaubatchee proper, and one from Taladega, a village of Tookaubatchee. Eight yet remained of the Taladega deputation, who signed the treaty. But this minuteness of calculation might well have been omitted; it only serves to make up the superior and more pervading fact, that we treated with a National Council, duly assembled and properly organized, which might, in the exercise of its legitimate powers, have ceded the entire territory of the Muscogee nation. We know of no exception to the rule, that, in a deliberative body, the majority governs. In an Indian council, such rule always prevails. All chiefs of the nation had been invited to attend.<sup>(14)</sup> Hundreds did attend. By and with the advice and consent of the Government's Agent, and their own Agent, all chiefs, all Indians present, except eight, assented to, and were willing to sign a treaty. It may possibly be insisted by some, that the Cussetuhs should be stricken from the estimate. General Gaines is very confident "that an Indian in council never lies." These Indians in council agreed to a cession, and we are equally confident that an Indian having once "*taken the talk*," never retracts. We include the Cussetuhs as rightfully as we do the lamented McIntosh. They had consented as solemnly and as boldly as he; they were as obnoxious to assassination as he; but neither were guilty of higher crimes than "stemming a torrent of corruption, disgraceful" to those who had long and earnestly held them in cruel delusion!

We are sensible that the statements and facts just furnished, will have to undergo a comparison with some of those heretofore furnished by General Gaines upon the same subject. We despair of convincing the General himself, that he has been deceived and betrayed into error: for it is probable that he would rely upon the evidence which he has acquired, not only against us, but "against the congregated world." One consolation is still left us, that the trial and condemnation to which he has subjected the treaty and ourselves, has been under usurped authority; and that, before a *legitimate* tribunal, we shall be content with what we have a right to—the award of justice. We protest against the mockery of investigation which these Special Agents have conducted. With a due portion of prejudice themselves, and furnished with every weapon of detraction which the arsenal of Indian profligacy contained, or its keepers could invent, we may, perhaps, esteem it good fortune that we have not been compelled to make a visit to Washington under the escort of a military or Indian

(14) A circular was addressed to them from Washington City, and the utmost caution used in giving it publicity through the Indian Agent, and a special messenger.

chief. We had a right to expect, that, in the exercise of that high sense of honor to which the General lays claim, those who "stand high as honorable men" would have escaped an attack by mysterious allusions and covert insinuations. In the highest tone of indignation, he is prompt to repel the slightest insinuation of impropriety in himself. The Christian precept, or, if he disregards that, then his own code of chivalry, ought to teach him "to do unto others as he would they should do unto him."

But the General's hostility to us, is not less perspicuous than his manifested hostility to the treaty. He certainly must be apprized of the great and humane policy of the late Administration, of concentrating the various Indian tribes on an appropriate territory beyond the Mississippi; a policy worthy of the distinguished benefactor with whom it originated, and of those of his Cabinet who so zealously labored to carry it into effect. This policy should meet universal advocacy, tending as it does to the preservation and reform of the "sons of the forest," and to the growth, prosperity, and safety, of the Union. Nor can he be ignorant of the solemn obligations of the United States to remove the Indians from the limits of Georgia. Still less can he be ignorant of the repeated unsuccessful efforts of the Federal Government to acquit itself of this obligation. The causes of failure must also be known to him. They are principally to be found in the *subtle devices of the self-interested, and in the wailings of morbid philanthropy over the condition of "untutored man."* Whether the policy which has been recommended will, or ought to be pursued by the present Administration, need not now be inquired. Thus far, we are satisfied that the course of the new Administration will not be the dictate of General Gaines; and that "*what has been done,*" will not "*be undone,*" even though the consequence may be that "untutored man" may be deprived of an opportunity of dying "*among the tombs of his fathers.*" It is possible that the General may possess the ability to give a proper explanation of his conduct to those under whose authority he has acted; but he must be sensible that it will require from him a very different course, to satisfy the People of Georgia that he has not been influenced by a feeling adverse to their policy and best interests.

In recurring more minutely to the state of the Creek nation, and in analyzing the elements of which it is composed, we are abundantly supplied with the means of accounting for difficulties, of explaining many of the positions which have been taken, and of solving seeming mysteries concerning the late treaty. Those who are conversant with Indian affairs, or ever reflect on the present constitution of them, will easily perceive how great an influence the Agents of the United States must possess over the tribes among which they reside. An Agent derives consequence from the very fact, that he is a man of a superior race, sufficiently important among his fellows to receive the appointment. His official power enables him, in a thousand ways, to make his favor desirable; and this consideration does not more forcibly affect the Indians, than the white men settled in their territory.

Whatever traffic or lucrative employment the latter may pursue, is materially affected by the Agent's patronage or discouragement, and they become his ready and efficient instruments of operation on their savage neighbors, whenever *he* deems it expedient to withhold his direct interference. These remarks are at least as much verified in the Creek nation, as among any other aboriginal community in the United States. It will not be doubted by men of competent information but that, in this tribe, a great, if not predominant power, is at present exercised by John Crowell, the Agent, Thomas Triplett, the Sub-Agent, Hambly, the Interpreter, Walker, the Sub-Agent, lately removed, and Henry and Thomas Crowell, brothers of John, engaged in Indian trade. The influence of all, the Agent concentrates in his own person, by his superiority of station, which renders the others subservient. To what degree this has extended, may be inferred from its effect upon the chief McIntosh, the strongest and boldest opponent of the designs of his Agent. An extensive and profitable traffic had been for some time prosecuted by the brothers of the Agent, in which he himself, however, asserts that he had no participation. McIntosh having determined to engage in commerce, a white man named Stinson, who had married his sister, became the conductor of the business, either in the capacity of partner, or clerk. The establishment was so productive as materially to affect the profits of the Crowells. Whether this circumstance operated on the Agent or not, it is certain he caused Stinson to be arrested as a violator of the law regulating Indian intercourse. McIntosh interposed, gave bonds for the appearance of Stinson at the Federal Court, and, in the end, completely prevailed. These proceedings produced a hostility between the parties, which neither affected to conceal. Those who recollect the division among the Creeks, in the late war, will readily apprehend how this quarrel attached the Alabama portion of the tribe to Crowell. They had been opposed to the Americans, and McIntosh, the firm adherent of our cause, by his valor and ability, had greatly contributed to their subjugation. At the close of the war, they were in disgrace, tolerated as inhabitants, rather than recognized as masters of the soil they occupied. The common feelings of human nature made them inimical to *him*, who had been the instrument of their defeat and degradation; and it is not wonderful that, with them, the ordinary respect for an Agent was converted into a decided partiality for Crowell, the proclaimed enemy of their conqueror. McIntosh was too sagacious not to appreciate this state of affairs, and to perceive clear indications of the dangers with which he was menaced. The *talks* of Tookaubatchee and Polecat Springs, which denounced death to him who should advocate a cession of lands, were the acts of a part of the Alabama chiefs, and had not the force of national laws. When it was proposed to confirm the former, in June, 1824, at Broken Arrow, in General Convention, the proposition was successfully resisted by McIntosh. Yet, afterwards, when our conferences commenced at the same place in December, at the principal seat of the Agent's influence, this chief, who was always favorable to a cession,

seemed less ardent in promoting it than we had reason to expect. The cause was inquired, and he answered, substantially: that he knew that the talks of Tookaubatchee and Polcat Spring were not laws, and that he should fear no trial for acting in opposition them; but there were some who would be glad for a pretext to have me murdered; many of the Upper Town chiefs are hostile to me, and many are still living who I helped to chastise, and whose relations I had to kill, in the late war, as enemies of the whites; that Crowell and Walker were also against him; that many were present, willing to a treaty, but for fear of secret injury and the displeasure of the Agents. If the apprehensions of a gallant warrior could be thus excited, it is easy to infer how much intimidation would be produced among ordinary men. The nation knew that their Agents were opposed to a cession, and it required more magnanimity than they possessed, or dared to exercise at such place, and under such circumstances, to resist the opposition. Hence the adjournment to another time, and different place. But, as these Agents have disclaimed this opposition, we shall now take the liberty of reviewing their conduct, for the purpose of enabling the public to determine whether the principal of them is that "innocent and injured man" he has been so triumphantly pronounced to be. That we may the more satisfactorily pursue the proposed examination, we would promise a few words by way of history.

The appropriation of the Congress of 1822-3, was for the purpose of holding treaties with the *Cherokee and Creek* nations of Indians, for cessions of territory for the use of Georgia. With this appropriation we proceeded three several times to the territory occupied by the Cherokees, but succeeded only on one occasion in obtaining a meeting, and at this we failed of success. A report of this failure, accompanied by a suggestion of more favorable prospects with the Creeks, produced the increase of appropriation by the Congress of 1823-4. In the Summer of 1824, our commissions were received, and we were instructed to commence a negotiation with the Creeks, and to "attend particularly to the feelings and wishes of Georgia in any treaty that might be made." The territory to be treated for, the price to be given, the time and manner of negotiation, &c. were matters left to our own discretion. Thus appointed, and thus instructed, we commenced our proceedings. On the very day that we acknowledged to the War Department the receipt of our commissions, 27th July, 1824, we commenced a correspondence with the Agent, Colonel Crowell, preparatory to a meeting. At Milledgeville, on the 9th November last, after closing a contract for rations, we drew more closely to the subject of our mission, and communicated freely and reciprocally our views, sentiments, and feelings. As we ask no compliment, we make no apology for saying that we felt a deep and hearty interest in the business on which we were about more actively to enter. In the spirit of candor and duty we cast about to ascertain and satisfy ourselves of the obstacles we should probably encounter, and of the means by

which they were to be overcome. Regarding the Agent as being capable of exercising a powerful influence, a control little short of absolute, particularly over the chiefs of the Upper Towns, his probable course was made matter of discussion. It was on this occasion, and for the first time, that mention was made of his declarations to one of us twelve months before, November, 1823. We have stated on oath before a committee of the Legislature of Georgia, that, in that conversation, in allusion to a treaty with the Creeks, he said "that he had had the thing fixed;" that he advised one of the Commissioners to resign, and intimated plainly that the result of the Governor's election had changed his feelings with respect to a treaty. We acknowledge that, but for after occurring circumstances and facts, we should not have given to his wild and heated effusions, on that occasion, the force and character of settled hostility. It was regarded at the time, and afterwards, as evidence of a willingness on the part of the Indians to cede at least a portion of their territory. On the fifth of September, 1824, in a letter to the Agent, we expressed our great concern for the result of our mission, and begged that he would "prepare the Indians for the issue we desired." His answer of the 22d same month, begins to display him in that character of *affected* neutrality in which we find him when the negotiation commenced. He says "I will with pleasure close a contract for you, or do any thing you may require me to do in relation to the contract or any other matter touching the business of the treaty *that I can consistently*. But it must be distinctly understood that it must be under your special instructions."

Early in the last week, in November, 1824, one of the Commissioners, Meriwether, arrived at the Agency, and there first came to a knowledge of the celebrated talks, dated Tuckaubatchee, 25th May, and Pole Cat Spring, 29th October, 1824. The Agent had known both of the *existence* and *authorship* of the former ever since June, and, although in correspondence with us, and the War Department, had communicated no information concerning it. He affected to treat these papers lightly, but the Commissioner giving to them more consideration, inquired who wrote them. The answer was, that the one dated at Pole Cat Spring was written in his absence at Savannah, that he did not know positively who wrote it, but was decidedly of opinion that it was written by Mr. Compere, the Baptist missionary. As to the Tuckaubatchee talk, he disclaimed all knowledge of its authorship; said that he had seen and read it at Broken Arrow in June, and that McIntosh refused to sign it. A disposition to prevaricate, and a treacherous memory, are unfortunate accompaniments. On our route to Broken Arrow from the Agency, and in a few days after our arrival, also, the Agent informed us that, as far back as June, he knew the Tuckaubatchee talk was written by Walker: for he had seen it and knew that it was in his hand writing. On the 15th December, he repeated the same information, and added that the Pole Cat Spring talk was written by Walker also; at his own house. In relation to these talks we would remark, that they purport to contain the solemn declarations of the Creek Nation never to cede "another

foot of land," and to listen to no proposition for that purpose, and not even to meet Commissioners upon that subject. They furthermore denounced death by "guns and ropes" against such as should dare to sell. They were directly at war with the wishes and policy of the Government, and calculated to obstruct the object of our commission. The Agent had long known, as well by the act of Congress as by our correspondence, that a treaty was to be held, and for the special purpose of extinguishing the Indian claim to lands in Georgia. He was present in June, and knew of Walker's direct agency in creating opposition, and giving it effect. Was it not his duty to have restrained him effectually by procuring his removal from office, and his expulsion from the nation? Was he not bound to have guarded his people against such mischievous delusion? Was he not bound to have candidly and promptly disclosed to us the obstacles against which we had to contend, and to have exposed the insidious opposers of the wishes of the Government? He will not say that he pursued *any one* of these obvious dictates of duty. In connection with these talks, also, we would further remark, that the Cherokees had held an industrious intercourse with the Upper Creek towns; had written to Big Warrior, and sent him documents which we drew from the hands of his son-in-law, Captain Walker, pending the negotiation at Broken Arrow. We had witnessed similar proceedings before, on the part of the Cherokees, at Fortville and Spring Place, while attempting to make a treaty with them. We had experienced too sensibly their forestalling influence, not to regard the papers dated at Tuckaubatchee and Pole Cat Spring, from the beginning, as serious obstacles to our success. Perceiving the influence they had upon our proceedings, displayed in the unconquerable obstinacy of the Tuckaubatchians; contending, as we did, without his aid, if not against his exertions; encountering the effects of the long and continued opposition of others; placed as we were, under the sentinel-watchfulness of unexpected adversaries, it is singular that, at Broken Arrow, we should have been able to produce the slightest favorable symptom. But, it is nevertheless true, that at one time, against all these obstacles, our success was rendered more than probable. *The reasonable* declared for us; the *Rev. Missionary Smith* said that it would be best for them to go, and that, if he was not quite so old, he would go with them. The Agent himself, but not to the Indians, said they would have to go in a short time any how, and that they were fools if they did not accept our proposition. The stoutest of the opposition wavered, and required to be reclaimed by the all-powerful mandate of Big Warrior, obtained by *express*, despatched by his son-in-law, Walker. Hambly, the United States' Interpreter, was put on the alert, and has since stated "that he thought the Commissioners would succeed, but that he used every effort to prevent a treaty, and had prevailed." Captain Triplett, the present Sub-Agent, and Henry Crowell, the Agent's brother, were also there. These gentlemen did not even pursue the course of their conscientious friend, and keep within the limits of "neutrality." The first never disguised his decided opposition, and the latter repeatedly declared that we ne-



ver should have land "while Troup was Governor." Having exerted our best, but fruitless efforts: for sixteen days, to overcome a combination so formidable, we came to the conclusions expressed in the following extract from our journal, recorded when they were neither old nor counterfeit.

"On the evening of this day, (16th December, 1824,) the Commissioners consulted as to the course best to be pursued. Believing that they had been defeated by combination and preconcert, they resolved to pursue the subject by every means of which they could avail themselves. It appeared that the most active, industrious, and insidious means had been resorted to for months, for the purpose of inspiring confidence, determination, prejudice, and obstinacy, in one part of the nation, (upper towns,) and of spreading fears and alarms in the other, by threats and menaces. These were frequently repeated in the course of the negotiation. The Commissioners found themselves overreached in the *selection of the place*. The combination had every opportunity of exerting its devices, and the Commissioners had but few facilities of counteraction. We satisfied ourselves that a treaty could be obtained from the Chiefs within the limits of Georgia, and to the extent of the Georgia claim. The basis of such treaty would have been exchange of territory, and would have effected the removal of one half of the nation, 10,000. The Commissioners entertaining some doubts of the validity of a treaty signed by a divided council, and fearing to expose such part of the Chiefs to the resentment of the combination, resolved upon a temporary adjournment for the purpose of obtaining further instructions of the Government." We will not leave unexplained the expression, "resentment of the combination." We had no "fears" of exposing the friendly Chiefs to the penalties of any national law: for neither they nor their opposers ever hinted at the existence of any law restraining a cession of territory, except the edicts of Toockaubatchee and Pole Cat Spring, and the authority of these was positively denied. But that some of the Chiefs did entertain a secret dread, we are ready to admit; not of *execution* for violated law, but of *assassination* to gratify a murderous malignity.

We pursue our narrative. One of the Commissioners proceeded immediately from the adjournment at Broken Arrow to Washington City, having but a single motive, and that to become better fortified to continue the negotiation. The means by which we became strengthened were various. The direct proposition which we made, to be sure, was rejected, but it was not without its advocates in the cabinet and in Congress. The President and Secretary of War afforded their prompt and efficient aid in every other matter referred to their consideration. The Sub-Agent, Walker, was removed from office; the principal Agent was made to know that he was the officer of the Government, and not the tutelary deity of the Tookaubatchee Indians. In furtherance of this particular negotiation, and for the effectuation of a general system of benevolent policy, the President made the special communication to Congress of the 27th January, 1825, which reached us at the Indian Springs after the negotiation

was renewed. This originated, and was furnished, not in the covert and questionable manner of a Tookaubatchee decree, or Pole Cat Spring resolve, but it originated with the distinguished Chief Magistrate of the United States, and was intended, and should have been received, as a charter, securing the *aborigines* of the country in preservation and perpetuity. Under these auspices, evidently favorable, we had special authority to renew the negotiation. We did so, under circumstances of perfect notoriety, by addressing a circular to the "Chiefs of the Creek Nation," requesting "all to be present on the day appointed who were in the habit of transacting the business of the nation, and of signing treaties." To leave nothing to chance, negligence, or design, we not only sent this notice to the Agent, with a request that it should be circulated, but Colonel Williamson was also despatched to give universal notice of the intended meeting. It has been objected that the notice was "too short." It was short, and so intended, not for the purpose of excluding a single Chief, but for avoiding machination. This objection finds a sufficient answer in the fact that the Chiefs from the Pole Cat Spring were present, and others more remote.

On the 10th of February last, we found in attendance four hundred Indians, as reported by our issuing commissary. At the first attempt to form a council, the old opposition displayed itself in a new form. That which was deluded ignorance before, was now deluded *impudence*. We invited the chiefs to meet in a large and well provided council room, and the Tookaubatchee delegation answered that they should not meet except at their own camp. A meeting, however, was soon had, and in the room provided, where alone we could be protected from intrusion. The Agent had informed us, which we well knew, that he was then instructed to co-operate; and added, that he was prepared cheerfully to do so. We answered, in terms of conciliation, that we regarded his co-operation as an essential auxiliary, and were happy to be informed of a cheerfulness on his part to assist in bringing the negotiation to a successful close.

Being assembled, we addressed a crowded council, suggesting no falsehood, suppressing no truth, practising no deception, using *no* intrigue, transcending no instruction. The Agent addressed them also, approving all that we had said, under the general sanction that the talk we had delivered was the "President's talk." He told them that it was his wish, because it was the President's wish, they should sell their land and move. But, according to his declarations, three days after, in his letter to the Secretary of War, we were addressing those who, with the "exception of McIntosh, and perhaps two others, were either chiefs of low grade, or not chiefs at all." His advice to the council, and his protest to the Secretary, are strangely at war with each other. A single glance at the assembly would have satisfied him whether it was a legal council, or a promiscuous rabble, assembled by intrigue, for the purpose of being swindled by corruption. He was released from the obligations of neutrality which he had dextrously taken upon himself, by a positive instruction to co-operate—

an instruction unexpectedly received, and most reluctantly obeyed. He knew that we were engaged in a business of vast import to the General and State Government, and to the Indians, and that what was done, required to be well done. He was, in fact, *ex officio*, a Commissioner, and, in influence and local information, the most important member of our board. He knew that, with the exception of what information we had acquired at Broken Arrow, we could have no proper knowledge of the chiefs, grades, or towns, of the nation, except through him; and that, if he was sincere in his tender of co-operation, it was his duty to have informed us, that we were laboring in vain. But his lips, after the delivery of his equivocal *talk*, were hermetically sealed, as for purposes of information or assistance. His denunciations of a treaty obtained under these circumstances, must have proceeded from motives very different than the promptings of duty. On the evening of this day, 10th February, the chiefs of all the towns present, *Tookaubatchie excepted*, met in a council of their own, discussed the question of a treaty, and, on taking the vote, it was unanimously agreed (with the exception of one or two) to "take the talk of the Commissioners." This decision was communicated by themselves, in a body, immediately after they adjourned. We were satisfied, from the beginning, of the sufficiency of the council, and were now satisfied of a vast superiority in numbers and grade in favor of a treaty. In council, on the next day, all restraints appeared to be removed; and many chiefs were free to declare themselves openly in favor of a cession. The chief objection was, that a treaty would not be good except it was made *in the public square*. This was denied, and successfully disproved, by the precedent of the treaty of 1821, made at the same place. Finally: Poyethla Yoholo himself, acknowledged that, from what we had told them, he was induced to believe that it would be best for them to remove, but that he must have time to think of it; that he had received a message from his head chief, Big Warrior, directing him to listen to the talk of the Commissioners, to meet friendly and part friendly, but to sell no land, and to invite us to a meeting at Broken Arrow three months thereafter. It is impossible not to perceive how absolutely this chief and his associates were under the dictation of Big Warrior, and whence also he derived his new creed of "never selling another foot of land." The Sub-agent, Captain Walker, had married a princess of the blood; had found an interest in inculcating these doctrines in the dukedom of "Pole Cat Spring;" and, however desirable it was with the Government, advantageous to the Indians, and consistent with the rights of Georgia, that the whole nation should accept the offer of a new home, yet there were those, whose stores, whose farms, whose stands, whose salaries, and whose herds, had an unconquerable aversion to giving encouragement to the "emigrating party." Even the reverend missionaries, Smith and Compere, have imbibed the same aversion, and seem to consider it a convenience that their "lines are cast upon spots" where they cannot be compelled to testify on oath.

It is true that the advocates of a cession were reduced in numbers by the departure of the Cussetahs the night before the treaty was signed :

it is equally true, that this departure was not until their assent to the great point in discussion had been twice solemnly expressed ; that such departure was perfidiously obtained by Poyethla Yoholo, Hambly, and Stedham, the greatly lauded favorites of Gen. Gaines, Maj. Andrews, and Col. Crowell. These Cussetabs, in their deluded flight, protested their friendship for the Commissioners and McIntosh, giving the reason of their departure, that they had been told by Hambly and Stedham, as coming from Poyethla Yoholo, that, if they did not all go, the white people would have them in jail ; that they must go, for old Tuskena being one of the oldest chiefs, *a treaty could not be made without him*, and that, by going, they would break up the treaty for the present. The very proceedings of these our wily adversaries, contain the admission, that, if the Cussetabs had remained, and a treaty had been formed, it would have been valid. The question now occurs: situated as we were, ought we, or ought we not, to have accepted a treaty from those who remained ? We had forewarned the council two days before, that, if any of them left the ground before we concluded, we should consider the nation still represented, and proceed accordingly ; we had overcome too many perplexities ; we knew too well the wishes of the Government, and felt too strongly the rights of Georgia, to be overcome by such shallow devices, whether they proceeded from ignorance, prejudice, or knavery. We placed ourselves in the condition which we occupy knowingly, and much prefer it to the derision we should have incurred, if we had submitted to the imposition and trickery of guile and cunning. We submit ourselves to the decision of candor, and the experience of Indian negotiators. But, in the absence of this tribe, there was left, on Saturday, the 12th, a council, the sufficiency of which was not pretended to be doubted. There were upwards of two hundred chiefs, head men, and warriors, of the Creek nation present. They convened, the Speaker of the Nation, and the Clerk of the Council, being in attendance. The Interpreter, Col. Hambly, having the "yea or nay of the Upper Towns," was there. The Agent, sufficiently jealous of the encroachments of the whites, and in no wise unmindful of the real or imaginary interests of the Indians, was looking and acting with eager solicitude. The Agent and Interpreter themselves are chiefs, whether regular or honorary we cannot tell ; we have it from themselves that they are chiefs, and this we know from experience, that they are very influential ones. The leading provisions of the treaty had been frequently discussed, and it only remained to prepare its details. This was accordingly done. It was presented, read, interpreted, *article by article*, signed by fifty-two chiefs, and might have been signed by every Indian present, except one from Broken Arrow, six from Tookabatchee, and one from Taladega. While the signing was in progress, Poyethla Yoholo, as if "almost persuaded" to throw off his restraints, and defy his deceivers, stated that he had been instructed by his head chief not to sign a treaty, but, on seeing him, he might yet conclude to join his brethren, and all be friends ; that he wished to part in perfect friendship. Himself and his followers did part with

McIntosh and the Council, under the most cordial salutation, in presence of the Commissioners. Will any one believe that this chief, then, had ever heard or dreamed of a law which doomed McIntosh to death for the deed he had just done? If he had, his conduct was a lie, and his affectation butchery. After he had taken his leave of the council, and left the room, the signing of the treaty was continued to a close, and was handed to the Agent, who had witnessed the whole ceremony, and he, without hesitation, affixed to it the official attestation of "John Crowell, Agent for Indian Affairs." It was also witnessed by William Hambly, "United States' Interpreter." On the next day, our Secretary, at the request of the Agent, furnished him with a copy of the treaty; and, without the slightest intimation of dissatisfaction, he wrote and forwarded his celebrated letter or protest to the Secretary of War, denouncing the treaty as being in direct opposition to the letter and spirit of the Commissioners' instructions; warning him against the ratification, and foretelling the consequences; declaring that, with the exception of McIntosh, and perhaps *two* others, the signatures to the treaty were either chiefs of low grade, or not chiefs at all; that the signers were from eight towns only, when there were fifty-six in the nation; that, although the treaty was not made in conformity with instructions, that yet one could be, at no distant day, to the entire satisfaction of the Government. While we do not yield to him any extraordinary capacity in *construing instructions*, we cannot deny but that, in this instance, his prophecy has been fulfilled. Truly, a "horrid state of things" has been produced, not by the ratification of the treaty, but by a settled purpose to defeat its operations. There is no prophet so true as he who has the will and the power to fulfil his own predictions? When did it come to his knowledge that the signers of the treaty "were chiefs of low grade, or not chiefs at all?" Did he possess such knowledge on the 10th, when he so equivocally co-operated by addressing the council, and expressing it to be "*his wish*" because it was the President's wish" that they should cede their land and emigrate? Did he possess this knowledge on Saturday, when, in his presence, in council, the Commissioners denounced the proceeding of the overnight by the Cussetahs, and its authors, and distinctly declared that the *Creek* nation was still there by its representatives, and would be so treated? He sat in that council even to the end; heard the treaty read article by article; sat by while the signing was in progress, and challenged one and *but* one of the signers, as not being a *chief*, and finally approved the whole by his official attestation. All objections to the treaty must have occurred to him in the dreams of Saturday night, and, while yet dreaming, he must have recorded them on Sunday morning in this fabulous epistle. The Secretary of War had said to this Agent, in a letter of 18th January last, "the treaty is about to be renewed, and the President, feeling much interest in its successful termination, looks with confidence to your hearty co-operation with the Commissioners. You will spare no pains in preparing the Indians for the meeting, and contributing to the successful termination of the negotiation." It is easy to discover the

predicament in which the Agent is placed, by his letter from the War Department. His *duty* is made to war against his *interest*, and his *instructions* command him to do that which his *prejudices* forbid. With not enough of *integrity* to adopt the one course, or *boldness* to pursue the other, he occupies the ground of equivocation and duplicity. One part of his conduct is a satire upon the other. He advises the council to cede, and they do so; the next day he tells the Government there was no council present, and their cession must not be ratified. He sanctions an instrument as with a *nation*, and then denounces it as being with an *individual*. He declares that he co-operated, and then disclaims the work of his own hands. Here is a state of feeling and of fact, tumultuary indeed, strangely inconsistent, and strikingly contradictory! But even in the agony of all this conflict, it never occurs to himself, his friend Hambly, or even the intrepid Poyethla Yoholo, that there existed a frightful law, proclaimed on the banks of the Ocmulgee in 1817, dooming that chief to death who should consent to "cede another foot of land." If such a strong hold had been known to them, they would have entrenched themselves behind it, and the General Government and Georgia might have besieged them in vain. This letter of the Agent, of which we have been speaking, was forwarded from the Springs on the day of its date. But lest it might not be sufficient to perform its office, the writer speeds his way to Washington, and more zealously than if commissioned and instructed, gives his "hearty co-operation" to overthrow the treaty. He arrived before the ratification occurred, and in full time to expend his utmost effort, and to witness his own defeat. We may well ask whether these movements of the Agent were voluntary, or at the instance of the opposing Indians? The opposing Indians left the treaty ground on Sunday morning, having expressed no dissatisfaction other than what occurred in council the evening previous, which contained, in fact, an implied assent. His letter of protest, and his visit to the city, were at his own instance, and in these he incontestibly establishes what he had long believed, that he considered himself our competitor, under an inveterate determination to defeat us if he could. The opposing Indians not only withhold all expressions of dissatisfaction and hostility at the Springs, after the treaty was signed, but for weeks afterwards disclaimed to Col. Lamar all such feelings. The first evidence we have of their existence, was not until after the Agent had returned, and met his Indians in council on the 22d of April. And, even then, the complaints were of a limited and specific character, not directed against the treaty, its signers, or the manner of its attainment. The Agent ascribed them to the purpose of the Governor of Georgia of surveying the territory, stating that "when this was made known to them in general council, it had produced feelings of melancholy and great distress." That "exceptions were taken by them to the survey, and that their assent had never been given, never been asked." These exceptions, says the Secretary of War, "were communicated by the Agent, together with the request of the chiefs that the Government would interpose its au-

thority, and put a stop to the contemplated survey." If there were any other reasons than those above expressed, for the "melancholy and distress" of the Indians, surely that was the time for them to be communicated, and they no doubt would have been communicated if they had existed. But it remained for the penetrating sagacity of the Agent and his co-workers, Maj. Andrews and Gen. Gaines, to discover that there were other reasons, and that they had their origin in a "torrent of corruption, disgraceful to the nation." The communication first referred to from the Agent to the Department, was after the massacre of McIntosh, and was intended to furnish an apology for that savage outrage. Up to the time of its date, we hear nothing of the violation of a general law forbidding a cession under pain of death. But the homicide being committed, it was necessary to justify it by law, *really ex post facto*, but established by *ex parte, interested Indian* evidence, to have long existed. It was soon discovered that no credit was given to the allegation, that the contemplated survey produced the excitement. The Indians themselves, in the exercise of their "untutored" faculties, knew the fallacy of such a reliance, and took occasion, by an early notice in the Alabama papers, to seek another justification in the Walker code, first enacted at Tookaubatchee, and afterwards revived and amended at Pole Cat Spring. Both of these have been abandoned as unsafe: for, by the dismissal of Walker, their author, the Government had too plainly shewn that they would be disregarded. The Ocmulgee tradition, then, is their last resort. And how does this miserable and unstable subterfuge vanish when we refer to the treaties of 1818 and 1821, both concluded by a small representation of chiefs *since the pretended enactment of the law*, and without producing dissatisfaction or excitement. The Agent had been four years in office, and under constant obligation to inform himself of the laws, customs, government, and even traditions of the Indians. The fact is, rude as they are, they have a written code, but this contains no such "sanguinary" provision, denouncing death as the penalty of a consent to cede. But we are free to admit, that, if we had known of the existence of such a law, we should have treated it as a nullity, imposing no obligations upon the Indians which we ought to have respected. The United States cannot recognize the validity of any such proceeding, because it is calculated to obstruct her policy, and defeat her purposes. The recognition of such law would be, virtually, a recognition of the independence of the several tribes; an idea too preposterous to require comment or refutation. Besides, we had been taught ourselves, and had so taught the Indians in our conferences with them, that their existence as a *nation or community*, within the limits of Georgia, or any other State, was incompatible with our system, and must yield to it. Above all, the admitted obligation of such a law was totally destructive of the sovereign right of Georgia to the territory occupied by the Indians within her limits, and the especial object of our mission to the Creek nation, was "peaceably, and on reasonable terms," to reduce that right to possession. To this end we were instructed to "attend particularly

to the feelings and wishes of the State of Georgia in any treaty that might be made with the Creek nation." We well knew what "those wishes and feelings" were; they were identified with our own, and we acted alike from inclination and from duty. Under these impulses, in the pursuit of so great an object, we had deserved the reprobation of our fellow-citizens, and the censure of the Government, if we had accommodated ourselves to the 'advice' or to the wishes of our adversaries, superinduced by prejudice and self-interest. 'Tis true that we "resolved to pursue the subject by every means within our control," but it is *not* true, that any of those means were not warranted by universal usage. With such an array of opposition, it may well be regarded as matter of surprise, that we obtained any success at all. The Cherokees had suggested the plausible scheme of *alliance*, and it found an active and perfidious advocate in the Agent's department. In furtherance of the design, decrees were insidiously procured and industriously promulgated, confirming the confidence of one part of the nation, and exciting the fears of the other. Even McIntosh dreaded the consequences of doing right: let his ashes attest how well grounded were his fears! Himself and his adherents had attested their friendship to the United States and to Georgia, not only in the councils of their own nation, but in many a hard fought action. Himself and his adherents at the Springs in February, were, "in fact, the Creek nation;" but Creek nation as they were, they had their enemies; and, from their character, foreknew their operations. We had witnessed some of the displays of bitter hatred and unrelenting revenge. For these reasons we stipulated the "protection" of the "emigrating party against the encroachments, hostilities, and impositions, of the whites, and of all others." The terms used in this article of the treaty cannot be misunderstood. By the "emigrating party" was meant not only those who made the treaty, but all whom they represented, and who, living within the ceded limits, should resolve to remove to the lands given in exchange beyond the Mississippi. The nation had assented, "Tookaubatchee excepted." This, and some of its dependent towns, felt themselves secure under the alliance of the Cherokees, and of Walker and Hambly, and others. Protection for them was not desired, but protection *against* them, was absolutely necessary. That the United States should stipulate with the *Creek Nation* to protect it against itself, may appear a solecism, though it is not without precedent in principle. We plainly perceive, then, who were the subjects of protection, and against whom it was to be exercised. Viewed in this sense, there is nothing absurd or inconsistent. This pledge of protection has been ratified according to the solemn forms of the constitution, and has thereby become the compact of the United States' Government. Although we were the instruments by whom the promise was made, after the ratification of the treaty, we stood in the same relation to it as did others. We may, indeed, be able to explain what is doubtful, but we have no power to enforce what we stipulated should be done. We may, with others, deplore the apathy which leaves the murder of McIntosh unavenged,



and arraign the delusion and folly which make favorites of his assassins, but must leave the decision to the impartial tribunal of public opinion.

In the anxious search made by so many for excuse or justification for the assassination of this chieftain and his associates, every effort is exhausted which ingenuity could design or art suggest, and that which was murder, was murder still. But, by the *new lights* of the Government, new discoveries are made, and it is announced that the treaty "is tainted with intrigue and treachery," and ought to be cancelled. The workers of iniquity seize upon the suggestion, and resolve to rest it. The difficulties of such a task vanish at once, when it is determined to make the Creek nation the theatre of the inquiry. There, the interests of all were suspended on the investigation; there, were to be found those whose prejudices were greatly excited, and whose passions were highly inflamed; there, too, were those whose consciences were so very flexible, and imaginations so prolific, as to furnish facts in any form and in any quantity. Of the latter class, and, perhaps, the most conspicuous, is Interpreter Hambly. With devotion to the Agent, and possessing more understanding and ingenuity, he consents to be his tool. So destitute of character as to have no inducement to act rightly, and nothing to lose by doing wrong. In the late examinations conducted by a "Special," for the benefit of an Indian Agent, we are informed that the Interpreter has sworn that the 5th article of the treaty was not read or interpreted before it was signed by the chiefs. It was certainly unkind in his patron to exact an *oath*, when a mere *statement* would have had the same credit before his impartial judge. How many more of the "*voluntary*" witnesses who testified in behalf of the "persecuted" and "highly injured" Agent, were guilty of perjury, we cannot undertake to say, but doubt not but that the harvest was plenty. If nothing had occurred subsequent to the treaty, more exceptionable and more criminal than what preceded its signing, neither the treaty nor its negotiators would have ought to fear. These subsequent proceedings, felonious in some instances, extraordinary and unprecedented in others, can produce nothing more than temporary inconvenience. There are tribunals which have not prejudged ourselves or our proceedings, and before these we are ready to appear.

We proceed to notice the last entry in the journal which we kept, while our proceedings were pending. This entry was made on the 14th Feb. 1825, and consists of this statement: "The Commissioners then convened the Chiefs, *distributed some presents*, ordered them furnished with rations to take them home, advised them to temperance and unanimity, took friendly leave, and adjourned." We have sometimes thought that the words "*distributed some presents*," have given rise to the charges of fraud, bribery, &c. which have been so lavishly heaped upon us. We should certainly forbear to make any remarks upon this branch of the subject, had not these accusations been principally made by the Agents of the Government. However imposing these imputations may appear to be, on account of the characters from whom they came, we are not without confidence, that, to the general Government and the People of Georgia, we shall be enabled to de-

monstrate that, whatever we have done in this respect, can be supported by the principles of sound policy, by numberless precedents, and by our instructions. All that was done in this regard, is known to the Government, to a single cent, and we have no objections to the publication of our accounts, item by item. If further particulars be required, we are prepared to furnish them; but, until they are required, we are left to infer that the administration is satisfied, and to infer further, that the Special Agent and General Gaines have volunteered, without instructions, their busy efforts upon this subject. We make no appeal to them; but to others, in whom reliance may be placed, we do appeal, for justification of this part of our proceedings. General Jackson has treated with the Chickasaws, Choctaws, Cherokees, and Creeks; General Harrison has made many treaties with the Northern tribes; Gov. Clark and Gov. Cass have rendered conspicuous services to the Government in this department; General Atkinson is reporting treaties almost daily, which he has concluded with separate tribes of the great Sioux nation of the West, and this too, with such facility as scarcely to retard his march; Gen. Meriwether and Maj. Forney concluded a treaty on the 8th Jan. 1820, at the same place, with Creeks, fewer in number, and not higher in grade, than those with whom we treated on the 12th February, 1825. To the decision of these distinguished negotiators, and to the decision of any and all other impartial tribunals, do we submit the treaty and the manner of its procurement. But, we protest against the decision of men who have shewn themselves capable of being duped by Indians and Indian Agents. It has been objected to the treaty, that it shews upon the face of it, such extraordinary partiality to McIntosh. A word in explanation will greatly weaken if not entirely destroy the force of the objection. He had procured the nation's relinquishment to the Indian Spring and Ocmulgee reservations, and had leased them to tenants for the term of twenty years. Valuable improvements had been already made, and to remove the incumbrance of the lease, and enable himself to convey, he gave to one tenant the sum of four thousand dollars, and to the other nine. So that the amount which has accrued to the benefit of his family, is only twelve thousand dollars, a sum much less than a fair equivalent for the property. Let the treaty then, be estimated according to the circumstances which attended its negotiation, or let it be tried by itself, and, it seems to us, that the most rigid observer would be at a loss to discover a competent reason for its revision. The circumstances were such as ordinarily attend such transactions, except the perfidious opposition which we encountered, and a treaty was never formed with Indians, half so beneficial to themselves, as this. No error then being detected in the treaty itself, or in the manner of its obtainment, we are to look for the cause of the mischief, to the manner in which both have been misrepresented. Let those who have originated the misrepresentations, and those, also, who have given them currency, be arraigned before their own consciences and their country, and we know that their trial will be more fearful than ours.

DUNCAN G. CAMPBELL,  
JAMES MERIWETHER,

MILLEDGEVILLE, Nov. 12th, 1825.

U. S. Commissioners.

*Governor Cass to the Secretary of War.*

WASHINGTON, January 25, 1826.

SIR : I have the honor to report to you, that, in compliance with your request, I had an interview with the McIntosh party of the Creek Indians, in order to ascertain what would be their views and wishes in regard to themselves, in the event of the treaty at the Indian Springs being cancelled, either by a new treaty, or by an act of Congress. They distinctly stated it was their wish to emigrate to the West of the Mississippi, and they then proceeded to enumerate the various stipulations they were anxious to procure in their own favor. Such of these as affected the opposite party were then explained to them, and the assent of that party, with some modifications, and, after much difficulty, was obtained. Such, however, was their reluctance to accede to some of these propositions, that it eventually became necessary to assure them the Government would not, under any circumstances, abandon the minor party, and that the course proposed was a *sine qua non*. After obtaining this assent, the subject was again discussed with the McIntosh party, and the stipulations in their favor read and explained to them. They were then reported to you, and, agreeably to your instructions, I informed them the Government would cheerfully assent to these stipulations in their favor. They then signified their unanimous concurrence, and I supposed all difficulty was removed. But, after the execution of the treaty by the Creek Delegation, when the minor party were requested to sign a note, to accompany the treaty, signifying their assent to the stipulations affecting themselves, they declined doing it, unless the Government would make provision for paying to them the full value of all the improvements they might abandon, within that part of the Creek country now ceded to the United States. Such a proposition being wholly inadmissible, it was not thought proper even to discuss it, and the treaty, consequently, appears without any accompanying note, signifying the assent of the McIntosh party to these stipulations. These facts are as well known to Colonel McKenney as to myself. He was present and took part in all the discussions, and his exertions have been very important in conducting this negotiation to a favorable issue.

Very respectfully, Sir,

I have the honor to be,

Your obedient servant,

LEWIS CASS.

HON. JAMES BARBOUR,  
*Secretary of War.*

*Thomas L. McKenney to Chilly McIntosh and others.*

DEPARTMENT OF WAR,

*Office Indian Affairs, January 25th, 1826.*

**FRIENDS AND BROTHERS :** I esteem it proper to correct an error, in to which it appears, from your note just now received, you have fallen. You say, "We, therefore, decline signing the present treaty, or any notes that may be affixed to the same." You were asked to do neither. It was thought, as you had stated in behalf of the friends and followers of the late General McIntosh, what your desires were in regard to emigration, and the terms upon which you would emigrate, and as these were, in all respects, complied with, and your unanimous but verbal assent given in presence of Governor Cass and myself, that it would look better not for you "to sign the treaty, or notes that may be affixed to the same," but a separate paper, sustaining that assent *with your names*.

It is not very material, however, in which way you understand it, but as you have misconceived it, I think it proper to offer this correction.

I am your friend and brother,

TH. L. MCKENNEY.

*To Chilly McIntosh and others, Representatives of the friends and followers of Gen. Wm. McIntosh.*

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*Chilly McIntosh and others to the Secretary of War.*

WASHINGTON, D. C. 26th January, 1826.

**FRIEND AND BROTHER:** We have received from Col. McKenney a letter dated January 25, 1826, in which he observes, that he esteems it proper to correct an error, into which he says we have fallen. He tells us we were neither asked to sign the treaty which *you* have recently concluded with our adversaries, nor any notes that might be affixed to the same; but that, as we had given our unanimous but verbal assent to certain conditions on which we would emigrate to the Mississippi, which had in all respects been complied with, it was thought that it would look better, not for us to sign the treaty, or notes to be affixed to the same, but a separate paper sustaining that assent with our names. Sir, we are also desirous of correcting the error of this statement, and for this purpose we make the following :

When we were first invited to state to Governor Cass, whether we were willing to emigrate, and, if so, on what terms, we answered that we were willing to do so in terms of the treaty of the Indian Springs. It was then inquired from us, if that treaty was annulled, on what terms we would be disposed to go, and we answered, saying, that we would take time to consider; but still insisted on the validity

of the former treaty. We then requested that the propositions of Governor Cass should be given to us in writing, which was refused us. If this, our request had been complied with, no dispute would now occur, as to what had passed between us. We subsequently gave in our propositions, and when we afterwards met Gov. Cass and Col. McKenney at the office of Indian Affairs, and heard read what they proposed, we thought it correct. They then read to us, from a small sheet of paper which we afterwards found when they read the treaty, was a different instrument from what we understood it to be. We then found that provisions were inserted in a treaty made with our enemies, by which you had declared, that the acts of our Great Chief, and the other Chiefs who signed the treaty at Indian Springs, to be null and void, and by which you, as we understood, had departed from the terms which they had recently read, by providing that the compensation for property and improvements destroyed should be confined to property and improvements in the ceded lands. They then requested us to sign an instrument in the following terms :

*“ WASHINGTON, January 24, 1826.*

*“The undersigned friends and followers of the late General William McIntosh, having had read to them a treaty concluded this day between James Barbour, Secretary of War, and the delegation now in Washington from the Creek nation, hereby subscribe their assent to such articles in said treaty so far as there are interested.”*

We refused this, and the conference was broken up; they declared that it was immaterial whether we signed it or not. We declined signing it; first, because, as we believed, it made us to declare that our Great Chief and our other Chiefs had acted without authority in signing the treaty of Indian Springs; and second, because the compensation for property and improvement was limited to such as was in the ceded lands. No consideration will tempt us to degrade the memory of our great Chief, nor to impeach the rightful acts of those who survive; and our claim to compensation for our property is, we think, not to be denied on principles of justice. Our Interpreter, Hawkins, at the close of the above conference, took the paper they required us to sign; and, on the way down to our lodgings, told Gov. Cass that he had taken it to interpret to the Chiefs of the delegation, which Gov. Cass said he might do, but told him not to shew it to any body else. It was for this purpose, and this only, that this paper was taken by Hawkins: for we could not think of signing such a paper, any more than we could reconcile it to our feelings to take by the hands the murderers of our Chief as they proposed to us.

We will add a single remark: Col. McKenney addresses us simply as representatives of the friends and followers of the late General William McIntosh, and speaks of our adversaries as “the delegation of the Creek nation.” Now we think it necessary, distinctly to say to you, that we are not merely the friends and followers of General McIntosh, but that we are, and have been, for many years, acknowledged

Chiefs of the Creek nation, and that we have not, nor have those whom we represent, delegated any power to those whom he distinguishes as the delegation of the Creek nation.

We remain your friends and brothers,  
 Chilly McIntosh,  
 Rouly McIntosh, his x mark,  
 Hutho-marta Tustunuggee, his x mark,  
 Ben Derrizaw, his x mark,  
 Oawocashee Emarthla, his x mark,  
 Ni-he-o-ho-lu Coweta, his x mark,  
 Ambeca Tustenuggee, his x mark,  
 Hattilopoya Tustenuggee, his x mark,  
 Huspel Haijo, his x mark,  
 Alech Lapley, his x mark,  
 Benjamin Hawkins, Interpreter.

Witness, JNO. P. DENNY,  
*Secretary to the McIntosh Party.*  
*To the Secretary of War.*

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*Governor Troup to the President of the United States.*

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, 11th July, 1826.*

SIR: As I will proceed on the second day of September next, under the authority of the Legislature of Georgia, to occupy the country ceded by the treaty concluded at the Indian Springs on the 12th day of February, 1825, and as the running of the dividing line between this State and the State of Alabama must necessarily precede the survey which will immediately follow that occupation; as the Government of the United States having been formerly invited to co-operate, has, in declining it, officially made known to the Government of Georgia, that the running of the line is a matter in which Georgia and Alabama are alone concerned, and with which the United States have nothing to do; as Alabama did consent, and, as it is believed, notified that consent to the United States, as she certainly did to Georgia; as Alabama is well disposed to co-operate with Georgia in the execution of the work; as it can have no assignable connexion with the existence or non-existence of the treaty, the line having been fixed unalterably by the Constitution and the articles of agreement, as the permanent boundary; and as the treaty recognizes and confirms it: as the Government of Georgia is resolved, after having encountered very many obstacles, equally unlooked for and unnecessary, immediately to carry into effect its repeated decree; as the season will soon arrive most favorable to its execution with accuracy and precision; and as General Gaines, in his letter of the 14th June last, had, in the name of his Government, expressly forbid the running of

the line as well as the survey of the lands, and had assembled troops on the frontier to enforce the prohibition; and as the Secretary of War, by order of the President, notified this Government that no entry upon, or survey of, the territory would be permitted, and, moreover, directed the Commanding General to employ a military force to prevent any such entry or survey—it is respectfully asked of the President, whether his resolution in these respects remains unchanged, and, if unchanged, whether the military force will be employed against us with or without the auxiliary aid and co-operation of the savages; or whether these last will be restrained by the authority of the United States from interposing their arms at all; or whether they will be left to the indulgence of their natural feelings under the artificial excitements of the day, to assume the character of neutrals, or of partizans, and marauders, as those feelings and excitements may dictate? It is hoped and expected, that the frankness of the President's answer will correspond with the importance of the occasion which prompts to this inquiry; so that nothing hereafter will be chargeable to the imperfection of our language, or the insincerity of either of the parties. And that the President may be in full possession of the considerations which influence this Government, and more especially, that he may acquit the authorities here of precipitancy, prejudice, or undue diffidence in the wisdom and patriotism of the Councils of the Union, I will take the liberty to submit the documentary and official evidence, which, it is trusted, will sustain and justify this Government in the eyes of the world, in the measures to which, for its own safety it may be obliged to have recourse.

*First.* Then, the running of the dividing line between Alabama and this State, has no assignable connexion with the existence or non-existence of the treaty; the right to run that line having accrued to Georgia, by the articles of agreement and cession of 1802; a right undisputed until now, and which ought to be indisputable now, because, at that time, made by the Constitution the permanent boundary of the State.

The Constitution in the 23d section of the 1st article, after defining the boundaries of the State, proceeds to authorize a sale to the United States under the authority of the Legislature, but that sale being effected, (as it was by the articles of agreement and cession of 1802,) the remaining territory is declared to be the property of the whole body of the people, and inalienable but by themselves. (See documents No. 1 & 2, marked A.)

*Secondly.* The repeatedly official assertion of the right of Georgia, the official concurrence of Alabama, and the official acquiescence of the Government of the United States. (See documents numbered 1, 2, and 3, marked B.)

*Thirdly.* The public acts and resolutions of Georgia, have kept separate and distinct the subject of running the line, and that of surveying the lands, any further than that the one must necessarily precede the other. But with respect to the right to run the line at pleasure, never having entertained but one opinion concerning it, and dis-

claiming any authority on the part of the United States, to bring it into controversy at all; whilst, in deference to the Councils of the Union, the Legislature consented to postpone the survey, they did not consent to the postpone running of the line, and, of course, left it where they found it, viz: discretionary with the Governor to run it whenever he might deem proper.

When the Legislature authorized the Executive to postpone the survey until the expiration of the time limited in the treaty, but to proceed in it immediately on the expiration of that time, they could not have intended to postpone the running of the line, because, as that must necessarily precede the survey, such postponement would defeat the survey. (See documents marked C.)

*Fourthly.* The Legislature were therefore indifferent whether the treaty was declared null and void or not, as regarded the running of the line; the running having been ordered before the treaty was even in contemplation, had nothing to do with it, and was therefore to be carried into execution, whether such a treaty was ever brought into existence or not. If the treaty expedites the running now, it is only because the running must necessarily precede the survey, which will commence on the second day of September next, the day after the time limited by the treaty for the occupation of the Indians.

*Fifthly.* We are prohibited by military force, from running the same description of boundary line, which we are almost daily in the practice of running without murmur or complaint from you. I mean the exterior boundary line which separates our frontier counties from the Indians. Here the Indians are equally liable to trespass, encroachment, and interruption of all kinds from the whites; to be cheated and defrauded of their effects; ill treated in their persons, and even their lands taken from them by the unskilfulness or dishonesty of surveyors. It has been shewn, that, in the contemplated measure, the Government of the United States has been repeatedly invited to participate, not only to protect its own interests, but those of the Indians; the Indians themselves would have been invited. In running the line between the Cherokees and Georgia under the treaty, both the United States and the Cherokees would be invited to be present. If the Indians therefore should, in either instance, suffer detriment by an act of the Government of Georgia, the Government of the United States would be there present to correct or redress it.

*Sixthly.* Other States have run lines separating their territory from that of the Indians, without permission of the General Government. The States of Tennessee, and North Carolina, and Georgia, have done so, and their legality has not been questioned by that Government; in many instances too, these lines have passed through territory in the exclusive occupation of the Indians. (See the reports of the Commissioners of the State, one dated 15th October, 1819, the other dated 15th July, 1818, running the lines between Tennessee and North Carolina, and Georgia.)

*Seventhly.* The Executive of the United States has repeatedly, uniformly, and without reservation, or condition, admitted the



right of Georgia both to run the line and make the survey at the expiration of the time limited by the treaty, and in the letter of the Secretary of War, so late as the 30th day of August last, viz : after the Government had been placed in possession of all the information which it now has, of the bribery, and corruption, and abuse of instruction, practised to procure it; the Executive of the United States expressed itself highly gratified and delighted that the Executive of Georgia had consented to postpone the survey even until the meeting of the Legislature. It will be seen, on comparing the correspondence and official message of the Governor, with the paragraph of the letter of the Secretary of War, (marked D,) that the Secretary has committed a very great error. So far from the Governor consenting to await the decision of the Congress, he protested in the most positive terms, against a reference of the treaty at all ; the Governor never engaged to do more than to postpone the survey until the meeting of the Legislature of the State.

You will have perceived, Sir, from every past indication of public sentiment, that nothing can shake the confidence of the Government and people of Georgia, in the validity of the treaty of the Indian Springs, and, as I flatter myself with the hope, that the preceding illustration may afford some insight into the absolute right of the State of Georgia to run the dividing line between Georgia and Alabama whensoever she pleases, I have taken the liberty to trouble you thus far.

It is my unpleasant duty to trespass upon your attention yet a little longer. Information, not wholly of official character, has been received, that, in the new treaty lately negotiated with the hostile chiefs, a line has been designated as a true dividing line between the two tribes, by which, something like 300,000 acres of land, as acquired by the treaty of the Indian Springs, are taken from us and given to the Cherokees. For this treaty of course we care nothing, because in declaring the inviolability of the old, we have already proclaimed the invalidity of the new ; but neither yourself nor myself can be altogether indifferent to the consequences of this ill-judged measure ; a false line has been adopted, which favors the Cherokees ; the true one, which ~~saves~~ the Georgians, has been blotted out. The true line will be the one followed by the Commissioners of Georgia, who are appointed to run it. The false line will be the one claimed by the Cherokees as the true one. I much fear you have not been made familiar with the territorial history of both tribes ; it is short, but not, on that account, the more appropriate to the subject of this letter. But I cannot help saying to you, that, of all the measures which you have thought proper to adopt, in relation to the matters in controversy between the two Governments, there is no one which has given me more pain or solicitude, because no one partaking of more injustice, hardship, and oppression, than that now complained of. In giving a new boundary to the Cherokees, you have given them new feelings, hostile to the interests and people of Georgia ; they will recognize no line in future than that you have thought proper to prescribe ; they will suffer none other to be run but by coercion of the sword. With-

out any controversy between the Creeks and Cherokees, involving territorial boundary, or bringing this line into question, but such as might easily, according to their usages and customs, have been settled among themselves, you have become gratuitously a volunteer in the service of the Cherokees, to procure for them, by cession, from the hostile chiefs, land which belonged neither to them nor to the Cherokees, but which belonged more particularly to the friendly Creeks, and which now belong to us, by cession from both the friendly and hostile chiefs; thus giving the Cherokees a little more space for the pursuits of agriculture and the civilized arts, by a permanent location assured to them adverse to the claims and demands of Georgia, and preparing them for the promised admission into the Union, as an independent State. Not only so, you will have probably caused, on all these accounts, an expenditure of blood and treasure to the State of Georgia, from which she would have been otherwise exempt. And suffer me in no unkindly spirit to inquire, if such be the consequences resulting from these, what will be those which must follow the ulterior and not distant assertion by Georgia, of her right to all the territory of the Cherokees, within the limits settled by the articles of agreement and cessions? (See the copy of a treaty of boundary between the Creeks and Cherokees, accompanying this letter.) One of two things has happened: either the people of Georgia and the authorities who represent them, have, by the illusion of interest or prejudice, or both, been overwhelmed by sudden and impenetrable darkness, benumbing and stupifying their faculties; or the councils of those of whose measures they complain, have been directed by a strange infatuation.

The old treaty is proposed to be annulled, either because of corruption practised to procure it; of an abuse of powers by the Commissioners; or of an inadequate representation of the nation; or of the boundary, on one side, being a natural instead of an artificial boundary. If an irreversible sentence of denunciation and annulment is to be pronounced against the old treaty because of these, what is to become of the new? The old treaty, negotiated by your own agents, in the woods, 700 miles from the Seat of Government, with nothing but their written instructions to direct them, in a simple unostentatious manner, without any display of power, even a guard or an escort, and with a comparatively limited command of money, with a poor knowledge of their accountability to you, both for the fulfilment of their instructions and the application of the money, and, finally, the formal ratification, agreeably to the forms enjoined by the constitution.

The new treaty negotiated at Washington, in the presence of the Government, with enough of pomp and circumstance to dazzle or overawe; where a smile gives animation and buoyance to despair, and where the lion-hearted savage can be made to quake and cower beneath a frown; where moneyed means lead into temptation, and the annals of Indian diplomacy furnish no moral nomenclature by which to estimate the terms perfidious, treacherous, &c.; where instructions

could be varied from hour to hour, to every exigency ; where, indeed, any party might be considered as the nation, and any boundary a good one.

It is under all these circumstances that, at Washington, we are to presume the existence of perfect freedom of will, uncontrolled and unconstrained, united to romantic love of country, dictating every article and paragraph of the new treaty ; whilst, in the woods of Georgia, the same freedom has been corrupted by gold, and the will misdirected to the ruin of Indian rights and interests. We cannot look upon these things with the same eyes ; but when the effects and consequences come, however they may be regarded by others, I can assure you they will inflict a deep wound upon ourselves. The augmented expense, and the almost inevitable bloodshed, in running both the Alabama and Cherokee lines, to say nothing of the multiplied obstacles opposed to the Executive of Georgia in the execution of his duties by these unfortunate events, combine to make this a long, complaining, and, perhaps, importunate letter. The same public duty which impels me to write, will incline you to a patient reading. We are never better employed than in hearing the grief and lamentations of our friends, unless in the kindest of all offices, that of assuaging and comforting them.

With the highest consideration, I am, &c.

G. M. TROUP.

The PRESIDENT of the United States.

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Enclosure in Gov. Troup's letter to the President.

*Treaty of Boundary between the Creeks and Cherokees.*

*Creek Nation.*

General William McIntosh, in Council, between the Creeks and Cherokees, has this day made a treaty about their boundary lines, viz :

Art. 1. We do hereby acknowledge shall be the line from the Buzzard Roost, on the Chattahoochie, a direct line running to the mouth of Wilk's Creek, on the Coosa river, all North of said line, is the Cherokee lands ; all South of said line is the Creek's lands.

Art. 2. We the Commissioners do further agree, that all the Creeks North of the said line abovementioned, shall become subject to the Cherokee nation.

Art. 3. All the Cherokees South of said lines shall be subject to the Creek nation.

Art. 4 and 5. Provide that the Creek and Cherokee chiefs, who fall North and South of the above line, shall still be chiefs.

Articles 6, 7, 8, and 9, relate to crimes committed in the Creek and Cherokee nations, and their punishment.

Articles 10 and 11 relate to the claims of the nations on each other, and debts of individuals.

Article 12. We the Commissioners of both nations do hereby agree within behalf of our nation, do agree, the lines subscribed in the

foregoing treaty shall be ratified when the heads of both nations sign this treaty. We the Commissioners do hereby set our hands and seal, this 11th day of December, 1821.

*Cherokees.*

Choleoyer,  
Caucouyile,  
Teausctau,  
Tolenastee,  
Th. Wooderd,  
Teconsautee,  
Olileetee,  
Will, Interpreter,

*Creeks.*

Wm. McIntosh,  
Otumpe Tustunnugge,  
Tuskehenchop,  
Caucha Tustunnagge,  
Tuskenehau,  
Nebanlockohopoye,  
Isboyoyemua,  
Tharleasa Custunnuge.

We the undersigned hereby certify that the foregoing Chiefs of the Cherokee and Creek nation did sign their names as Commissioners of both nations, to this treaty.

Samuel Hawkins,  
Colonel Ridge,

Joseph Marshall,  
Chilly McIntosh.

## A.—No. 1.

*Extract from the 23d section of the first article of the Constitution of the State of Georgia.*

“And this convention doth further declare and assert, that all the territory without the present temporary line, and within the limits aforesaid, is now, of right, the property of the free citizens of this State, and held by them in sovereignty, inalienable but by their consent.”

## A.—No. 2.

*Extract from the Articles of Agreement and Cession, entered into between the United States and Georgia, on the 24th of April, 1802.*

“The State of Georgia cedes to the United States all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, South of the State of Tennessee, and West of a line beginning on the Western bank of the Chatahoochie river, where the same crosses the boundary line between the United States and Spain; running, thence, up the said river Chatahoochie, and along the Western bank thereof, to the great bend thereof next above the place where a certain creek or river called Uchee (being the first considerable stream on the Western side above the Cussetas and Coweta towns) empties into the said Chatahoochie river; thence, in a direct line, to Nickajack on the Tennessee river;

then crossing the said last mentioned river, and thence running up the said Tennessee river, and along the Western bank thereof, to the Southern boundary line of the State of Tennessee."

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B—No 1.

*Resolutions of the Legislature of Georgia, passed the 20th Nov. 1822.*

The dividing line between this State and the State of Alabama never having been run in conformity with the articles of agreement and cession entered into on the 24th day of April, 1802, between the Commissioners of the State of Georgia on the one part, and the Commissioners of the United States on the other part, from the mouth of Uchee Creek, on the Chatahoochie river; thence, in a direct line, to Nickajack, on the Tennessee river; and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians which must bound upon said line; and as it is highly important to the two States, for various considerations, that the said line should no longer remain undefined by the proper and usual marks; and the Legislature being of opinion that the said articles of agreement and cession render it obligatory on the United States to cause said line to be run, and at the expense of the General Government:

*Resolved*, That the Governor be requested to take as speedy measures as possible to present this subject to the President of the United States, and to bring the same before Congress, if necessary, for the purpose of procuring the said line to be run as early as possible.

*Resolved*, That the Governor be authorized to appoint two fit and proper persons, one of whom shall be an artist, to accompany such person or persons as may be appointed on the part of the United States to run said line.

*Resolved*, That the Governor of this State communicate the above resolutions to the Executive of the State of Alabama, and solicit the concurrence of that State to the same, and to appoint one or more persons to attend the running of said line.

*Resolution of the Legislature of Georgia, passed 20th November, 1823.*

*Resolved*, That his Excellency the Governor be requested to continue those exertions which have already been commenced to ensure a speedy running and marking of the line dividing this State from the State of Alabama, in pursuance of a resolution of the last General Assembly.

*Resolution of the Legislature of Georgia, passed 11th June, 1825.*

*Resolved*, That the Governor be required as soon as practicable to procure the services of some competent person or persons to ascertain the boundary line between this State and Alabama, according to the terms of the compact entered into between this State and the United States, in the year 1802, first giving to the Governor of Alabama due notice there-

of, so that Commissioners on the part of that State may be appointed to co-operate with the Commissioners appointed on the part of this State, if the Government of said State shall deem it necessary to do so.

B—No. 2.

[Those parts only of the communications with the Government of Alabama are given which shew what at the particular dates of them, were the coincident wishes of the Government of that State.]

*Resolutions relative to the dividing line between Alabama and the State of Georgia.*

Whereas the dividing line between this State and the State of Georgia never having been run in conformity to the articles of agreement and cession entered into on the 24th day of April, 1802, between the Commissioners of the State of Georgia, on the one part, and the Commissioners of the United States, on the other part, from the mouth of Uchee Creek, on the Chattahoochee River; thence, in a direct line, to Nickajack, on the Tennessee River; and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians which must bound upon said line, and it is hereby important to the two States, for various considerations, that the said line should no longer remain undefined by the present marks; and this Legislature being of opinion that said articles of agreement and cession render it obligatory on the United States to cause said line to be run as early as possible :

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be requested to take as speedy measures as possible to present the subject to the President of the United States, and to bring the same before Congress, if necessary, for the purpose of procuring said line to be run as early as possible.

SEC. 2. *And be it further resolved,* That there shall be appointed by joint vote of both Houses of the General Assembly, two Commissioners, one of whom shall be an artist, to accompany such person or persons as may be appointed, on the part of the United States, to run said line.

SEC. 3. *And be it further resolved,* That the Governor of this State communicate the above resolutions to the Executive of the State of Georgia, and solicit the concurrence of that State to the same.

Approved, January 1, 1825.

ISRAEL PICKENS.

*Extract of a letter from Governor Pickens to Governor Troup.*

EXECUTIVE OFFICE,

Cahawba, July 3, 1825.

“Now, that a treaty of concession has been made and ratified, you may be confidently assured that the Government of this State will act

with promptness and cordiality, so soon as the situation of the ceded country shall be such as to render it advisable. It is, however, obvious to your Excellency that, to provide the necessary measures for a legal co-operation by this State, a convention of its Legislature will be indispensable. The regular period for which will happen in November next. It is presumed that this will be in very convenient season to meet the views of the Government of Georgia, even should it be found convenient to commence at an earlier period to survey its own portion of the ceded territory; considering, also, the period reserved by the late treaty for the occupancy of the Creeks. This subject shall be, at the earliest moment, presented for the particular attention of the Legislature; and the object, I trust, will be seasonably accomplished with mutual satisfaction to both States, in the only admissible or practicable way—by mutual participation.

“I am, very respectfully,

“Your obedient servant,

“ISRAEL PICKENS.

His Ex. the GOVERNOR of GEORGIA.

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B—No. 3.

*Extract of a letter from the Secretary of War to the Governor of Georgia, dated 13th July, 1824.*

“The convention between the United States and Georgia, of the 24th April, 1802, makes no provision that the line shall be run by the United States, and, as the Legislature of Alabama has expressed no desire that it should be run by the United States, it is believed that any line which might be run, and marked under their authority, would not be obligatory unless done by consent of both the States interested. Should such an assent be had, and Congress think proper to make an appropriation for the expense of running and marking the line, the President would very cheerfully comply with the request of the Legislature of Georgia.”

*Extract of a letter from the Secretary of War to the Governor of Georgia, dated 26th April, 1825.*

“I have the honor, in reply to your request for the appointment of Commissioners on the part of the United States, to meet Commissioners to be appointed on the part of Georgia, to run and mark the dividing line between that State and Alabama, to state, that the difficulties opposed to your request, as communicated in a letter to you from this Department of 13th July last, are insuperable.

“The States have ever, justly, held among the attributes of their sovereignty, the right of regulating, according to their own will, the method of arranging their boundaries with their contiguous States. It is believed, therefore, that the running of the line between Georgia and Alabama, is a subject exclusively belonging to those States.”

## C.

*Relative to the survey of territory ceded by Indian Spring treaty.*

By an act of the Legislature of Georgia, passed the 9th June, 1825, to dispose of, and distribute the lands acquired by the United States for the use of Georgia, of the Creek nation of Indians, by a treaty concluded at the Indian Springs, on the 12th of February, 1825, the survey of said territory was authorized, and the criminal jurisdiction of the State extended over the same.

*Extract from the communication of the Governor of Georgia to the Legislature, at the commencement of their session, in November, 1825.*

"The President having ultimately resolved to refer the treaty to Congress for reconsideration, because of alleged intrigue and treachery practised to obtain it, the resolution adopted by the Executive to prosecute the survey under the act of the Legislature, of the 9th of June last, was changed, and the change immediately communicated to the President."

*Extract from a resolution of the Legislature of Georgia, passed the 23d of December, 1825.*

"That full reliance is, and ought to be, placed in the late treaty concluded between the United States, for the use of Georgia, and the Creek nation of Indians, at the Indian Springs. That the title of the territory obtained by said treaty within the limits of Georgia, is considered as an absolute vested interest, and that nothing short of the territory thus acquired, will be satisfactory, and that the right of entry immediately upon the expiration of the time limited in the treaty, be insisted on, and accordingly carried into effect."

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D.*Extract of a letter from the Secretary of War to the Governor of Georgia, dated 30th August, 1825.*

"He has heard, therefore, with the most lively satisfaction, the determination of your Excellency to proceed no further in the survey, till the Congress of the United States, and the Legislature of Georgia, shall have had an opportunity of acting upon the subject, as, in their respective judgments, the rights, duties, and obligations, of all the parties concerned may require."



*Maj. Andrews to the Secretary of War.*

WASHINGTON, February 28, 1826.

SIR: I have the honor to send you, enclosed, the MS. memorial of the McIntosh party of Indians to the Legislature of Georgia, which was forwarded to Milledgeville to be presented at the called session in May last, but which was suppressed "by the people of Milledgeville." I received it at Milledgeville, in July last, from Maj. John H. Brodnax, under cover of a letter dated the 11th of that month, which I now enclose. I transmitted it, the day after its receipt, to General Gaines, then at Indian Springs, from whom I received it, through Maj. Hook, a day or two since; he having been unable to find it among his papers until his arrival at Wheeling. Major Brodnax, from whom I received the manuscript, is a gentleman of great respectability: he is now in the Senate of Georgia. He received it from the McIntosh party themselves; who assured him, up to the date of his letter, (11th July, 1825,) that it was their desire to have it presented to the Georgia Legislature and their prayers granted.

It will appear from the manuscript,

1st. *That the McIntosh party of Indians have no intention of emigrating beyond the Mississippi.*

2d. *That the party were opposed by "the people of their nation."*

3d. That, although the party in question have lately, in conjunction with the Commissioners who made the treaty, asserted their right to the whole of the money due under the surreptitious treaty of the Indian Springs, they were very willing, a few months after making that treaty, to give up to the State of Georgia *their share of the purchase money under the treaty.* for a tract of poor land 40 by 20 miles square, forming, perhaps, not more than a twentieth part of the territory affected to be disposed of by said treaty.

4th. *That the McIntosh party are but "few in number."*

5th. *That the McIntosh, or treaty making party, were "the head men and warriors of Coweta;"* only one of the numerous towns of the Creek nation or tribe of Indians.

The high character of Mr. Cuthbert, who drew up, in his professional capacity, the memorial in question, forbids for a moment that it contains an idea, except of the party by whose request, and under whose immediate dictation it was drafted—the party being present with Mr. Cuthbert when he drafted it. An exact copy was made; and, after being signed by the McIntosh party, was forwarded to be presented to the Georgia Legislature; but, as stated in the letter of Maj. Brodnax, it was suppressed by the people at Milledgeville, but deprived of all such facts as might prove injurious to the *later views* of the McIntosh party, and those who uphold them, and presented to the Legislature of Georgia.

I have the honor to be,

With the highest respect &c. &c. &c.

T. P. ANDREWS.

*Late Special Agent.*

To his Excellency JAMES BARBOUR,  
Secretary of War.

Enclosure in Major Andrew's letter to the Secretary of War.

*Maj. Brodnax to Maj. Andrews.*

NEWMAN, 11th July, 1825.

SIR : I enclose you the memorial drawn up in favor of the McIntosh party, to be presented to the called session of the Georgia Legislature in May last. It was their particular desire to have it presented, but was prevented by people at Milledgeville ; and it is their desire now that it should be granted them.

Please forward me the pamphlet you promised me, containing my writings at Coweta.

I have the honor of being,

Your most obedient servant,

JOHN H. BRODNAX.

Major ANDREWS.

*Mem.* Received at Milledgeville, July 19, 1825, from Major Brodnax.

Mr. John H. Cuthbert (formerly of Congress) drew up this memorial. The enclosed is the original draft, and is in the hand writing of Mr. Cuthbert,

Indian memorial for land, 40 by 20 mile square, by Mr. Cuthbert.

For General Gaines shews that the party, who pertinaciously demanded the 200,000 dollars, as the emigrating party, did not wish, or intend, to emigrate West of the Mississippi.

Enclosure in Major Brodnax's letter to Major Andrews.

*From the Head men and Warriors of Coweta to Chief men of Georgia.*

FRIENDS : Our situation is not unknown to you ; and when the hands of sorrow has pressed heavily on us, we have been comforted by knowing that our white brethren felt for our troubles, and wished us well. Our fathers formerly owned a large and beautiful country, abounding with fish and game, and every thing that they wished. We are now without a foot of land that we can call our home, or a place where we can keep our wives and children in safety. Our lands we have voluntarily sold to you in a number of fair and honorable treaties. In the late treaty held at the Indian Springs, by the advice of our Great Father, we yielded to the wishes of Georgians, and gave up the last that remained of the land of our fathers, except that part in Alabama which is in the hands of our enemies. And we do not now object to a treaty which we voluntary and deliberately signed. But, in the day of our trouble, we now call upon our white neighbors and brethren of Georgia to be our friends and protectors. When we signed the late treaty, we had a chief, under whose protecting hand we felt safe. He had wisdom to guide us through the many difficulties of a long journey to a distant land. He had courage to

head us if we should be attacked by any of the powerful nations in that far Western country. McIntosh was our head, and we were the body, and the hands, and the feet. But our head is now cut off, and we cannot move to that distant country, and put ourselves in the hands of our enemies.

The nations who live there would watch an opportunity to destroy us before we could have time to procure the aid of our Great Father. The people of our nation have now become our deadly enemies. After killing McIntosh, and several other distinguished chiefs, they have drawn us from our homes, plundered our property, and threatened our lives. They first became our enemies because, in the late wars, we were the friends of the white men; because we fought by the side of the white man, and hazarded our lives and spilled our blood in the same cause. They now threaten, and rob, and kill us, because we have followed the advice of our Great Father, the President, and sold our land to the Georgians. We are not safe with them even near our white friends in Georgia; and we cannot be so blind as to put ourselves in their power in a distant land. We have now no shelter left us, but in the bosom of our white neighbors. While we hold the treaty sacred, we earnestly request you not to leave us and our wives, and our little ones, to starve to death, or to fall by the hand of our enemies. We propose to you to allow us, out of the late purchase, a small spot where we can lie down in safety, and get a living by our labor. We are but few in number, and expect to find our safety only in peaceful conduct among you. We are moderate in our desires, and do not wish for the best of your land. We will be satisfied with a tract of country on the East of the Chattahoochy, extending from some point a few miles above the high shoals, to the Horse Platt, about forty miles in length, and extending about twenty miles East from that river. The large part of this tract is poor and mountainous. In exchange for this settlement we will give up our share of the purchase money under the late treaty held at the Indian Springs. We wish to raise stock, cultivate the soil, and learn the useful arts of the white men. We will live quietly under our laws, and will faithfully perform any civil or military duties which you may tell us. In exchange for protection we will fight with you against all of your enemies. From being a powerful nation, we shall be only a handful of men. From owning a large and rich country, we will, settle down on a narrow strip of mountainous land. But, hereafter, we will be content if we can find safety and subsistence. We pray to the Great Spirit to put kind and generous sentiments, and feelings into the hearts of the People of Georgia; and to tell them not to let an unfortunate and afflicted people be entirely ruined by friendship for them. We trust that the head men of Georgia, after making a great State out of lands that formerly belonged to us, will leave to men who have long been their friends, a little corner in which they live.

*Memorandum.* The foregoing is the MS. of the memorial of the McIntosh party of Indians to the Legislature of Georgia, in May, 1825. The copy was signed by the party, but was suppressed at

Milledgeville. It was drawn up by John A. Cuthbert, Esq. a lawyer of high standing, (formerly of Congress,) in his professional capacity : this manuscript being in his own proper hand writing.

T. P. ANDREWS, *Special Agent.*

MILLEDGEVILLE, July 1, 1825.

*The Secretary of War to Governor Troup.*

DEPARTMENT OF WAR,

January 16, 1827.

SIR: In reply to yours of the 28th ultimo, I am instructed to say, that, in the opinion of the President, the force which you have called into service to protect the citizens of Georgia from the outrages of the Indians, was justified by the circumstances on which you acted, and, consequently, that the expense attending the measure is a proper debit against the United States; to meet which, an appropriation will be asked for from Congress.

I avail myself of the occasion to reply to a paragraph in your letter of the 11th ultimo, in which you say "that the President of the United States has thought proper to declare, that it was the intention of the parties to that instrument (the new treaty) to cede to Georgia all the lands claimed by her within the Creek limits." You can readily appreciate my surprise, if I am to understand you as drawing this inference from my letter of the 27th November, where I endeavored to express myself, as distinctly as possible, directly the reverse. I beg leave to refer you again to that letter, in which I expressly declared to you, "that the Creeks, when pressed to make a cession to that effect, peremptorily refused;" and I then went on merely to state the presumed reason for so refusing—the uncertainty of the direction of the line. Hence specific limits were agreed on in the treaty, beyond which the United States or Georgia cannot go, without a violation of the faith of the nation, solemnly pledged; and if there be any ambiguity in the language which I employed, which I cannot perceive, it surely must have been removed when I say, that, so soon as certainty is given to the direction of the dividing line between Georgia and Alabama, the Executive of the United States will endeavor to obtain, by fresh negotiation, what it so much desires—an entire surrender of the Creek lands within the limits of Georgia. I trust you will, by reference to my letter, a small part of which only I have given you, perceive how greatly you have been mistaken, (if I have understood you correctly,) in supposing that the President had declared that all the Creek land within the limits of Georgia was intended to have been ceded by the new treaty.

I have the honor to be,

Your obedient servant,

JAMES BARBOUR.

His Exc'y G. M. TROUP,

Governor of Georgia, Milledgeville.

*Thomas L. McKenney to the Hon. E. Everett.*

DEPARTMENT OF WAR,  
*Office Indian Affairs, Feb. 22, 1827.*

DEAR SIR: I am not certain that you have a copy of the letter of the Secretary to Colonel Crowell, of the 31st ultimo: lest you may not have, I enclose it. And have the honor to be, with great respect,

Your obedient servant,

TH. L. MCKENNEY.

To the Hon. E. EVERETT.

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*Secretary of War to Col. Crowell.*

DEPARTMENT OF WAR,  
31st January, 1827.

SIR: Since my letter to you, of 29th instant, the Department has had information submitted to it, which appears to be entitled to respect, that, on a proper representation being made to the Chiefs of the peculiar state of things, as these now exist, in regard to the remainder of their lands within the limits of Georgia, they will not object, for a suitable moneyed consideration, to sell. This information, and which is from a source of great respectability, is, in substance, that the Indians would sell this remaining portion of their land, within the limits of that State, if they were assured of a prompt and suitable compensation.

I therefore enjoin it on you, as a duty of great importance, to adopt such mode as may seem, in your discretion, to be best, to obtain their consent to relinquish their hold upon those pine barrens, which can be of no value to them; and thus secure that state of quiet which it is so much the desire of the Executive to realize.

On ascertaining the views of the Chiefs, you will communicate them to the Department; and also, at the same time, the amount of the consideration money which they will be willing to receive for those lands.

I have the honor to be,

Very respectfully,

Your obedient ser'vt,

JAMES BARBOUR.

To Col. JOHN CROWELL,  
*Agent for the Creek Indians.*

*Secretary of War to Hon. E. Everett.*

DEPARTMENT OF WAR,  
22d February, 1827.

SIR: In reply to your letter of yesterday, conveying the inquiries of the Select Committee on the Georgia question, whether an appropriation is needed to enable the Executive to treat with the Creeks for the surrender of their remaining lands in the State of Georgia; and, if so, what sum; I have the honor to state, that no appropriation is presumed to be needed, as, in the event of the cession being made, the terms will be embraced in the treaty, and which will refer itself to the ensuing Congress, for means to carry it into effect.

The incipient steps, in regard to the subject, will be taken by the Agent, as you will see, on reference to my letter to him, of the 31st ultimo, a copy of which was transmitted to you yesterday, and which will not be attended with any expense requiring an appropriation.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JAMES BARBOUR.

To the Hon. EDWARD EVERETT,  
*Chairman of the Select Committee.*









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